

CONSTRUCTION ADMINISTRATION

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1. Overview

EXISTING PROCEDURES

The construction contract administration of Locally Administered projects is reviewed by Caltrans representatives. The review includes approval to advertise and award, a review of construction engineering, DBE/WBE compliance, and approval of major change orders and spot checks of the records and data used to prepare progress pay estimates against requests for reimbursement. Caltrans District Materials Branch also provides independent assurance sampling and testing for the local agencies. Except for non-exempt projects, the final inspection has been delegated by the Federal Highway Administration (FHWA) to Caltrans. Caltrans also provides assistance in document preparation when using the Local Agency Automated Pay System (LAAPS).

NEW PROCEDURES:

Except for process reviews, Caltrans will not review any of the construction activity on local projects off the National Highway System (NHS). Caltrans will no longer offer the use of LAAPS by Local Agencies. Caltrans will gather DBE data from the local agencies and report it to the FHWA. Once the Administering Agency receives the authorization to proceed for construction, Caltrans will not be involved in approving the advertising or award of construction contracts, approving of change orders nor certifying compliance with DBE or Davis-Bacon wage requirements. The local agencies will be responsible for their own quality assurance program and will certify their compliance with all state and federal contract administration requirements.

Note: Procedures for Locally administered projects in the State right of way will continue in accordance with the Special Funded Policy as outlined in Deputy Directive DD-23.

2. Definition of Terms

| | |
|-------------------------------|---|
| Administering Agency | The State or a City, County, or other Local Public Agency who advertises opens bids, and awards the contract. (also called Responsible Agency) |
| CA | Certification Acceptance. Procedure whereby the federal government releases to the State, authority to control the development and construction of highway projects by allowing the State to delegate these responsibilities to qualified Local Agencies. |
| Contract Administration . . . | Includes advertising, opening bids, award, and execution of the contract; control of work and material; and making payments to the contractor. |
| Contractor. | The person or persons, firm, partnership, corporation, or combination thereof, who have entered into a contract with the administering agency, as party or parties of the second part of his or their legal representatives. |
| DBE | Disadvantaged Business Enterprise. |
| Department. | The Department of Transportation of the State of California, as created by law; also referred to as Caltrans , the Department of Transportation , or State . |
| District. | The subdivision of the Department of Transportation organized to administer the affairs of the Department relating directly to the Local Agency; also referred to as Transportation District. |
| Engineer. | A qualified Engineer who is empowered to administer the contract. |
| FHWA. | The Federal Highway Administration. |
| Headquarters | The Headquarters office of the Department of Transportation; also referred to as Transportation headquarters (1120 "N" Street, Sacramento, CA 94274-0001). |
| Local Agency | A City, County, or other Local Public Agency. |
| LPM | Local Programs Manual consisting of three volumes (Volume I, Project Processing Procedures; Volume II, Contract Administration; Volume III, Environmental Procedures). |
| LPP | Local Programs Procedures |
| DLAEL | District Local Assistance Engineer - District Engineer responsible for liaison with local agencies |
| NHS | National Highway System |
| Office Engineer | Chief of the Headquarters Office of Office Engineer. |

| | |
|--------------------------------|--|
| Report of Expenditures | Collectively refers to the following final report documents: Final Inspection of Federal-Aid Project (FIF 6/95), Final Invoice, Final Detail Estimate, Change Order Summary (containing liquidated damages/contractor's claims, date of completion, date of acceptance by City or County), Final Report Utilization of Disadvantaged Business Enterprise (DBE), Materials Certificate, and Report of Completion of Structures if bridges were constructed, |
| S&H | California Streets and Highways Code. |
| SHA | State Highway Agency |
| WBE | Women-owned Business Enterprise |

3. Project Advertisement

References:

U.S.C. 112
23 CFR 635.112
1994 Contract Administration Core Curriculum
LPM Section 2-03

Applicability:

Applies to all non NHS federal-aid projects

Guidance:

A Local Agency shall not advertise a project using federal-aid funds until the project is **authorized by Caltrans** (23 CFR 635.112-No work shall be undertaken on any Federal-aid project, nor shall any project be advertised for bids, prior to authorization.)

Prior to advertisement, all Local Agency sponsors will certify that their PS&E package complies with all applicable federal and state regulations and procedures (See PS&E Section instructions). All local agencies must submit a completed Request for Authorization and receive verification that construction has been authorized before a project can be advertised (See LPP 95-07 Attachment #1 , Project Authorization /Federal Fund Obligation). All projects must have R/W certification, utility and railroad clearance (if railroad is involved), and Environmental Clearances before advertisement. Each Local Agency and all of its contractors, subcontractors, and vendors shall take all reasonable steps in accordance with part 23 of Title 49 Code of Federal Regulations to ensure that DBE/WBEs have an opportunity to compete for and perform contracts. The Local agency shall notify all prospective bidders of PS&E addendum's in the same manner as all other non federal-aid projects. The Local agency shall certify the PS&E, advertise the project, and assure free and open competition.

The advertisement period is determined by the administering agency. A minimum advertisement period of three weeks is recommended.

Procedures:

Federal-aid projects must be advertised by the State or by an authorized Local Agency. The State will advertise Local Agency projects only on an exception basis. These exceptions shall be granted by the Office of Local Programs and the Office of Office Engineers at Caltrans Headquarters. If the State is the "Administering Agency," the State's normal procedures will be followed. Generally local agencies will advertise all Federal-aid projects and use their own procedures.

Each Local Agency and all of its contractors, subcontractors, and vendors shall take all reasonable steps in accordance with part 23 of Title 49 Code of Federal Regulations to ensure that DBE/WBEs have the maximum opportunity to compete for and perform contracts.

Prior to project advertisement the Plans, Specifications, and Estimate (PS&E) must be approved by the Administering Agency; the right of way must be certified; the necessary railroad clearance must be obtained (if railroad is involved).

The Administering Agency will review final plans and specifications to ensure that all revisions, contingent to PS&E approval, have been made prior to project advertisement.

The Local Agency shall notify the District of date of advertisement and date and time of proposed bid opening. As soon as the project is advertised, the Local Agency shall furnish the DLAE one copy of the plans and special provisions or two copies if structures (bridges) are involved. The District may request additional copies for Process Review purposes.

When it is necessary to issue addendum to the approved PS&E during the advertising period, the addendum must be approved in advance by the Administering Agency (wage changes are considered to be automatically approved). Addendum can only be issued if there is an accurate record of outstanding bid documents, otherwise the contract must be re-advertised.

The local agency shall assure that all updated estimates are fundable from available federal resources.

Advertising costs shall be charged to the preliminary engineering work authorization if such authorization has been requested and established for the purpose of Federal reimbursement.

A checklist (Exhibit 3-A) is provided to assist administering agencies in reviewing their projects before advertising

EXHIBIT 3-A

Local Agency Advertising ChecklistProject : _____
DIST-----CO-----RTE-----PM-----Agency

Federal # _____

Location: _____

Limits: _____

| | <u>YES</u> | <u>NO</u> | <u>NOT APPLICABLE</u> |
|---|--------------------------|--------------------------|---------------------------|
| PS&E Review | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Are the following complete? | | | |
| Environmental measures incorporated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Right of Way Certification. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Design | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Traffic (Electrical/Signing/Striping) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Materials | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Landscaping | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hydraulics | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Permits | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bridge Plans | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Are encroachments permits required? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Are design exceptions approved? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Is material testing and sampling arranged? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| DBE program approved? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Force account work? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Agency furnished material approved? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Are the Federal Funds for construction authorized | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Have a complete set of Plans and Special Provisions been sent to the Caltrans District Local Assistance Engineer (two copies if structures (bridges) are involved)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Reviewed by: _____
(Name of Local Agency Representative)

Title: _____

Date: _____

4. Contract Bid Opening

Reference:

23 CFR 635.113
1994 Contract Administration Core Curriculum
LPM Section 2-04

Applicability:

Applies to all Federal-Aid highway construction projects except for the "tabulation of bids requirement" of 23 CFR 635.113(b) which does not apply to projects off the NHS.

Background:

The bid opening is a public forum for the announcement of all bids, and is that point in time where the bids are opened and read aloud. It is also the last moment that bids can be accepted. For the bidder, the reading of the bids confirms whether his bid is successful. For the Local Agency and the general public, this forum establishes the cost to build the project.

Guidance:

The FHWA policy requires all bids to be opened publicly and read aloud either item-by-item or by total amount. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced.

Reasons for not reading a bid include the bid itself being non-responsive, often called "irregular," or the bidder is determined to be unreliable. The difference between a responsive bid and responsible bidder is that:

a responsive bid is one that meets all the requirements of the advertisement and proposal, while

a responsible bidder is one who is physically organized and equipped with the financial ability to undertake and complete the contract.

Some reasons for not reading a bid due to bidding irregularities may include:

- failure to sign the bid,
- failure to furnish the required bid bond,
- failure to include a unit bid price for each item,
- failure to include a total amount for the bid,
- failure to prepare the bid in ink,
- failure to submit a non-collusion affidavit,
- failure to commit to the achievement of the DBE contract goals or demonstrate good faith efforts to do so,
- inclusion of conditions or qualifications not provided for in the specifications, or
- submission of a materially unbalanced bid.

The above examples do not include all possible bidding irregularities. The Local Agency's standard specifications govern regarding what constitutes a bidding irregularity. Accordingly, the Local Agency's bidding documents should clearly identify those requirements which the bidder must comply with to make the bid responsive.

Just as the bid may be rejected for being irregular or unresponsive, a bid may also be rejected on the grounds that the bidder is not a responsible bidder. A bidder may be deemed not responsible because of past unsatisfactory performance, as evidenced by failure to meet the Local Agency's qualification requirements, or because of State or Federal suspension/debarment action.

In summary, a successful bid opening should identify the responsible bidder submitting the lowest, responsive bid.

Procedures:

The Administering Agency shall follow its own procedures for bid opening, provided such procedures are substantially in accordance with 23CFR635.113. A checklist (Exhibit 4-A) is included for assistance to the administering agency. As bid proposals are received, they shall be logged in and stamped with the time and date. The bids shall be retained in a secure place until the designated time and place for public opening. All bids received in accordance with the terms of the advertisement shall be publicly opened and announced either item by item or by total amount. If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the bid opening. Negotiation with contractors, during the period following the opening of bids and before the award of the contract shall not be permitted.

The agency's bidding procedures shall not discriminate against any qualified bidder because of political boundaries. No bidder shall be required to obtain a license before submitting a bid or before the bid is considered for award of a contract which includes Federal financing; however, on Federal-aid projects, a state contractor's license must be obtained upon or subsequent to the award of the contract. The Local Agency may also withhold payment under such contract until such time as the contractor furnishes proof of a proper license in compliance with State laws. No Local Agency shall bid in competition with, or enter into a subcontract with private contractors.

**Note: For use of Convict Labor and Convict Produced Materials
(See LPP 95-07 Attachment #7 PS&E)**

The Local Agency shall notify the DLAE of the results of the bid opening and shall submit the Bidder DBE/WBE Information form (See EXHIBIT 4-B) with the detail estimate (for more information on detail estimate, see Section 6).

The Administering Agency shall retain the following completed documents for the successful bidder in the project file:

- Bid Opening Checklist (EXHIBIT 4-A)
- A list of Bidders and bid amounts.
- "Good Faith Effort Statement of DBE/WBE Participation" form is to be retained in the project file if the commitment level(s) do not meet DBE/WBE goals. (See EXHIBIT 4-C)
- The Non-Collusion Affidavit Public Contract Code Section 7106

In order to ascertain the successful bidder for contracts containing DBE/WBE goals, the Local Agency shall evaluate the apparent low bidder's efforts to attain the DBE/WBE goals in conformance with the approved contract Special Provisions .

Where the lowest bid exceeds the engineer's estimate by an unreasonable amount as defined by established agency procedures, or where competition is considered to be poor for the size, type, and location of project, bids may be rejected unless an award of contract is justified as being in the best interest of the public.

(NEW) EXHIBIT 4-A

Local Agency Bid Opening ChecklistProject : _____
DIST-----CO-----RTE-----PM-----Agency

Federal # _____

Location: _____

Limits: _____

Bid opening attended by..... _____

Bid opening date and time.. _____

Addenda certified by:..... _____

Advertisement date:..... _____

Engineers Estimate:..... _____

Low Bidder Name:..... _____

Amount:..... _____

Number of bidders:..... _____

Bid irregularities: (attach letter)

Non Collusion Affidavit... _____

Low Bid signed:..... _____

Low Bid prepared in ink... _____

Reviewed by: _____
(Name of Local Agency Representative)

Title: _____

Date: _____

California Department of Transportation
Office of Local Programs
BIDDER DBE/WBE INFORMATION

Bidder Address: _____

County: _____
Agency: _____
Project Number: _____
Location: _____

(Person completing this form) Name: _____
Phone No. _____

(Signature of Contractor)

| NAME OF CERTIFIED DBE/WBE | DESCRIPTION OF WORK | CONTRACT ITEM UNDER | DISADVANTAGE | FEMALES | DOLLAR VALUE OF SUBCONTRACT** |
|------------------------------|---------------------|---------------------|--------------|---------|----------------------------------|
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DBE MINORITY \$ _____ = _____% _____%
BID AMOUNT \$ _____

FEMALE \$ _____ = _____% _____%
BID AMOUNT \$ _____

- * DBE/WBE must be certified by Caltrans on date bids are opened
** Suppliers that are not manufacturers will count as 20% of
their value WBE furnish toward the DBE/WBE goal.
*** If goal was not achieved, attach good faith effort.

THIS FORM MAY BE USED TO PROVIDE REQUIRED DBE/WEB INFORMATION

Note: Disadvantaged Businesses and Women Owned Business Enterprise must renew their certification annually by submitting certification
questionnaires in advance of expiration of current certification. Those not on a current list cannot be considered as certified.

EXHIBIT 4-B

LPP 95-07

Construction Administration
June 22, 1995

Attachment 8
Page 8

EXHIBIT 4-C

GOOD FAITH EFFORT STATEMENT OF DB/WBE PARTICIPATION

Federal-Aid Project No. _____ Bid Opening Date _____

Type of Work _____

The _____ (Local Agency) established a Disadvantaged Business Enterprise (DBE) goal of _____% and a Women's Business Enterprise (WBE) goal of _____% for this project. The Contractor has committed to a goal of _____% DBE and a goal of _____% WBE, necessitating a good faith effort statement in accordance with 49 CFR 23.45. Our project files show that a good faith effort was made. The following is a summary of that documentation:

- 1) Attendance at - or request for any pre-solicitation or pre-bid meetings:

| |
|--|
| |
| |
| |

- 2) Advertising in appropriate publications subcontracting opportunities: (Name and date of publications)

| NAME | DATE |
|------|------|
| | / / |
| | / / |
| | / / |
| | / / |

- 3) Providing written notice to a reasonable number of DBE(s) and WBE(s) seeking their interest in subcontracting opportunities being made available by the Contractor: (Sample letter attached)

- 4) Following up of initial solicitations of interest: (Names, type, result.)

- 5) Selecting portions of the work to be performed by DBE(s) and WBE(s): (Include \$ value)

| |
|--|
| |
| |
| |

EXHIBIT 4-C Page 2

- 6) Providing interested DBE(s) and WBE(s) with adequate information:
- 7) Negotiating good faith with interested DBE(s) and WBE(s): (\$ value of DBE/WBE Bids and one taken)
- _____
- _____
- _____
- _____
- 8) Making efforts to assist interested DBE(s) and WBE(s) in obtaining bonding, lines of credit, or insurance; and
- 9) Effectively using the services of available minority community organizations; minority contractors' groups, local, State and Federal Minority Business Assistance in the recruitment and placement of DBE(s) and WBE(s): (Name, date of contact, information provided)

Signature, Local Agency DBE/WBE Liaison Officer.

Distribution: Original-Local Agency Project File

5. Contract Award

References:

23 U.S.C. 112
23 CFR 114(a)
23 CFR 635.113
23 CFR 635.114(f)
23 CFR 635.114(h)
FHWA TA T 5080.4
FHWA TA T 5080.6
1994 Contract Administration Core Curriculum

Applicability:

Applies to all non NHS federal-aid projects

Guidance:

The Administering Agency shall award Federal-aid contracts on the basis of the lowest responsive/responsible bidder. The Administering Agency shall retain the executed contract, the award date, and the Pre-construction Conference minutes.

Concurrence in Award Policy:

The Administering Agency is delegated the authority to determine the lowest responsive/responsible bidder without approval of the SHA or FHWA as required in Section 23 CFR 635.113 . Written justification shall be included in the project file for all projects that are not awarded to the lowest bidder. The administering agency shall follow its normal procedures for award of the contract and assure that all federal requirements are followed.

Procedures:

It is the responsibility of the administering agency to assure with the DLAE and RTPA/MPO that the appropriate amount of federal funds are authorized before the project is awarded. The Administering Agency shall forward the following information to the District Local Assistance Engineer after award of the project:

- Report of DBE Awards (see EXHIBIT 5-A,)
- Detail Estimate (see EXHIBIT 6-A , 6-B AND 6-C)
- Finance Letter: (see EXHIBIT 6-D)
- The Local Agency Award Checklist (See EXHIBIT 5-B).

The DLAE shall perform a cursory review of these documents for correct format and completeness and forward them to the Headquarters Office of Local Programs for processing the Federal-aid Agreement (PR-2). **Invoices from the local agency will not be processed for reimbursement until a PR-2 is executed with the FHWA.** The PR2 will normally take about a week to execute with the FHWA after all required documentation regarding the PR-2 is received at Headquarters Office of Local Programs.

Post-Award Procedures

The administering agency shall conduct post award bid evaluations to assure against bid rigging. An adequate number of projects awarded over a sufficient time period should be evaluated. A period of approximately 5 years should be selected for an initial evaluation to determine if any abnormal competitive bid patterns exist. The following information should be considered in a post-award review for abnormal bid patterns:

- number of contract awards to a specific firm,
- project bid tabulations,
- firms that submitted a bid and later become a subcontractor on the same project,
- rotation of firms being the successful bidder,
- consistent percentage differential in the bids,
- consistent percentage of the available work in a geographic area to one firm or to several firms over a period of time,
- consistent percentage differential between the successful bid and the engineer's estimate,
- location of the successful bidder's plant versus location of the other bidders' plants,
- variations in unit bid prices submitted by a bidder on different projects in the same bid opening ;
- type of work involved,
- number of plans and proposal taken out versus the number of bids submitted,
- any other items that indicate noncompetitive bidding, and
- on re-advertised projects, if the eventual successful bidder was also low bidder on the first letting.

EXHIBIT 5-A

Report of DBE Awards
COMPLETE THIS FORM FOR EACH CONTRACT

Locode: _____
 District: _____
 Fed. Project No.: _____
 Total Contract Bid: _____
 Federal Share: _____

Agency: _____
 DBE Project Goal: _____
 Reimbursement Ratio: _____
 Award Date: _____

Prime (P) contracts and Subcontracts (S) Awarded:

| | MBE Awards (Incl. Others) | | | MWBE Awards | | | WWBE Awards | | |
|---|---------------------------|-------|-----------|-------------|-------|-----------|-------------|-------|-----------|
| | No. | Total | Fed Share | No. | Total | Fed Share | No. | Total | Fed Share |
| P | | | | | | | | | |
| S | | | | | | | | | |

Combined MBE/WBE Percent of Federal Share for this Project : _____

MBE/DBE Prime and Subcontractors Award by Ethnic, Woman, or DB Groups

| | Black | Hispanic | Native | Asian-Indian | Asian-Pacific | Others (MW, WW, DBE) | Total |
|----------|-------|----------|--------|--------------|---------------|----------------------|-------|
| No. | | | | | | | |
| Total \$ | | | | | | | |
| Fed \$ | | | | | | | |

Professional and Consultant Services

| | <u>MBE (& Others)</u> | <u>MWBE</u> | <u>WWBE</u> |
|------------------------|---------------------------|-------------|-------------|
| 1. Engineering _____ | _____ | _____ | _____ |
| 2. Architectural _____ | _____ | _____ | _____ |
| 3. Right of Way _____ | _____ | _____ | _____ |
| 4. Other _____ | _____ | _____ | _____ |

Construction

| | <u>MBE (& Others)</u> | <u>MWBE</u> | <u>WWBE</u> |
|-------------------------------|---------------------------|-------------|-------------|
| 1. Grading/Drainage _____ | _____ | _____ | _____ |
| 2. Paving _____ | _____ | _____ | _____ |
| 3. Structures/Buildings _____ | _____ | _____ | _____ |
| 4. Materials _____ | _____ | _____ | _____ |
| 5. Equipment _____ | _____ | _____ | _____ |
| 6. Trucking _____ | _____ | _____ | _____ |
| 7. Traffic _____ | _____ | _____ | _____ |
| 8. Landscaping _____ | _____ | _____ | _____ |
| 9. Other _____ | _____ | _____ | _____ |

Totals:

Distribution: (1) Original-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

(Cut off date by the 30th of each month)

DUE TO HEADQUARTERS BY THE 5TH OF THE FOLLOWING MONTH

FAX: 8-464-2409 OR 654-2909

EXHIBIT 5-B

Local Agency Contract Award ChecklistProject : _____
DIST-----CO-----RTE-----PM-----Agency

Federal #: _____

Location: _____

Limits: _____

Low bidder's proposal:..... _____

Bid summary - itemized for 3 lowest bidders:..... _____

Addenda certification: _____

Bidder DBE/WBE report:..... _____

ROW Cert. #1 or #2:..... _____

Bid analysis approved:..... _____

Date of award:..... _____

Amount of award:..... _____

Reviewed by: _____
(Name of Local Agency Representative)

Title: _____

Date: _____

6. Detail Estimate

References:

23 CFR 630 subpart C
LPM Section II-6

Applicability:

Applies to all non NHS federal-aid projects

Procedures:

Following award, a detail estimate and finance letter must be prepared outlining all project costs by work type code. For further information on the work type code see LPP 95-07 Attachment #1 on Project Authorization . The detail estimate and finance letter shall be prepared by the administering agency and submitted to the DLAE for a cursory review of format and completeness. The DLAE will then forward the Detail estimate, finance letter, Report of DBE Awards (see EXHIBIT5-A), and the Bidder DB/WBE Information form (See EXHIBIT 4-B) to the Office of Local Programs for preparation of the PR2.

A sample form for the detail estimate and instructions are shown on Exhibits 6-A, 6-B, and 6-C of this section. A sample finance letter is shown as Exhibits 6-D of this section.

From the information contained in the detail estimate, the State (Office of Local Programs) will prepare a Federal-Aid Project Agreement (PR-2), (when Federal funds are involved). This agreement sets forth the amount of Federal funds which may be expended on the project.

If at any time during construction, the project cost is expected to overrun the project agreement (PR2) amount, the administering agency must submit a **Revised Detail Estimate** (a copy of the original showing changes is satisfactory) and request a modification of Federal Project Agreement, Form PR-2A, indicating the anticipated increase. The PR-2A is processed in the same manner as the PR2. The **Revised Detail Estimate** should include the effects of all change orders and anticipated work through the end of the contract. This is to avoid future revisions.

NOTE: If the amount of Federal funds obligated in the PR2 is less than the full pro-rata share, the amount of Federal funds in the project may not be increased above the amount originally obligated. Exceptions to this rule, generally for unforeseen work that would otherwise be eligible, will be handled on an individual basis.

The Local Agency and State personnel involved shall insure timely processing of the detail estimate, finance letter, Bidder DBE/WBE Information Form, and PR-2, since no reimbursements can be made prior to their proper execution.

EXHIBIT 6-A

DETAIL ESTIMATE

File: _____

To be used as a basis of agreement for Federal-Aid Project #(1) _____
in the City/County of(2) _____

Construction Authorization Date:(3) _____, 199 _____

Type: (4)

Preliminary Engineering (Authorization Date:(5) _____, 199 _____

Right-of-Way (Acquisition Authorization Date:(6) _____, 199 _____

Acquisition (No. Parcels _____) \$ _____

RAP

(number homes _____) \$ _____

(number businesses _____) \$ _____

LRH (Parcel No. _____) \$ _____

Name _____

TOTAL COST \$(7) _____

Utilities (Authorization Date:(8) _____, 199 _____

Total Cost \$ _____

Code(9) _____

Length(10) _____ (Miles)

Item Estimate

| Item No. | Item Description | Unit | Quantity | Unit Price | Amount |
|----------|----------------------------------|------|----------|------------|--------|
| | | | (11) | | |
| | Subtotal Contract Items | | | \$(11) | _____ |
| | Supplemental Work | | | \$(12) | _____ |
| | Agency/State Furnished Materials | | | \$(13) | _____ |
| | Striping | | | \$ | _____ |
| | Total | | | \$ | _____ |
| | Contingencies | | | \$(14) | _____ |
| | Contract Total | | | \$ | _____ |
| | Construction Engineering | | | \$(15) | _____ |
| | TOTAL COST | | | \$ | _____ |

Distribution: (1) Original + 4 copies-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

EXHIBIT 6-B

DETAIL ESTIMATE
SUMMARY (16)

| | Total Cost | Participating Cost | Federal Funds | Other Funds |
|---------------------------|------------|--------------------|---------------|-------------|
| Preliminary Engineering | \$_____ | \$_____ | \$_____ | \$_____ |
| Right-of-Way | \$_____ | \$_____ | \$_____ | \$_____ |
| <u>Work type</u> | | | | |
| Construction: Code _____ | \$_____ | \$_____ | \$_____ | \$_____ |
| Code _____ | \$_____ | \$_____ | \$_____ | \$_____ |
| Construction Engineering: | \$_____ | \$_____ | \$_____ | \$_____ |
| Total Cost | \$_____ | \$_____ | \$_____ | \$_____ |

Contract Items Participating = \$(17)_____ = _____%

Contract Items Non-participating = \$_____ = _____%

Total = \$_____ = 100.00%

*Reimbursement Ratio: _____% (18)

Appropriation Code(s) (19)

Name/Date Prepared_____

*Reimbursement ratios may vary within each phase of work such as Emergency Relief PE for Emergency Repair (100%) and PE for restoration (88.53%). In these cases, the detailed estimate shall include two separate lines of preliminary engineering.

EXHIBIT 6-C

DETAIL ESTIMATE

1. File
 - fill in project identification
example: Dist-County-Rte-City: 07-LA-0-LA
 - Fed-Aid Project #: STPL-5006(023)
 - Federal-Aid Program: Surface Transportation Program, population > 200,000
2. Project Location
 - Fairly detailed (list intersections or project limits, etc.) Should agree with Authorization to Proceed (E-76)
3. Construction Authorization Date
 - FHWA authorization date on the Authorization to Proceed (E-76)
4. Type
 - General type of work (signalization, widening, construct four-lane divided street, etc.)
5. P.E. Authorization
 - FHWA authorization date on the Authorization to Proceed (E-76)
6. Right-of-Way Authorization
 - FHWA authorization date on the Authorization to Proceed (E-76)
7. Right-of-Way Costs
 - Total for project
 - Overhead and/or right-of-way preliminary engineering costs included in totals
8. Utility Authorization
 - FHWA authorization date on the Authorization to Proceed (E-76)
9. Code
 - Determine the major roadway improvement work type Y codes or str. section codes from (Attachment #1-Project Authorization Exhibit E (38) Work Type Code pages 11&12) and place all work incidental thereto under this general code, except the following work which requires separated coding:
 - Each structure (X codes from: Attachment #1-Project Authorization Exhibit E (38) Work Type Code page 14
 - Utilities as construction item (Code Y060)
 - Utilities as right-of-way items (Code ROWA)
 - Landscaping - other than erosion control (Code Y003)
 - Major work performed as part of an outside agreement (i.e., sewers, railroad grad-crossing protective devices - Y codes from (Attachment #1-Project Authorization Exhibit E (38) Work Type Code pages 11&12).
 - Trainees Y080
 - Some examples of work type codes are:
 - Traffic Signals -Y031
 - Channelization -Y008
 - Widening Roadwork -I000 (Bituminous Concrete)
 - J000 (Portland Cement Concrete)
 - Bridges -X231 (Highway over Highway, Steel Girder)

EXHIBIT 6-C continued

10. Length
 - Length in kilometers (to nearest 0.1) is required for roadway codes and for bridge codes
 - Measured along center line
 - Not required for “Miscellaneous” codes
11. Item Estimate
 - Use sample format
 - Separate by code as noted above (should be same as preliminary estimate)
 - Place non-participation work directly following participating work of similar codes
 - Separate as “not part of Federal-aid Project” that work which is beyond project limits of Federal participation but is being done under the same contract
12. Supplemental Work
 - Work that is anticipated but because of its uncertainty, cannot be included as a contract item, i.e., utility work, additional staking, ect.
 - If supplemental work is determined to be needed, a Change Order is required to include it in the contract.
13. State/Agency Furnished Materials
 - List each item and cost of all items or expenses that are to be furnished by other than contractor
 - Should agree with items listed in Special Provisions and Plans
14. Contingencies
 - Generally 5% to 10%
 - FHWA does not want supplemental work segregated from contingencies
 - If large amount of supplemental work, 10% may be exceeded, but contingencies should always be at least 5%
 - Separate for each code, etc.
15. Construction Engineering
 - Separate for each code, etc.
16. Detail Estimate Summary
 - Summary generally broken down only between P.E., Construction, and Right-of-Way
 - Work Type Codes and non-participating involved, must be outlined in summary
 - Calculate P.E., Construction (by code) and Right-of-Way separately at appropriate reimbursement ratio
17. Federal Participation Calculation
 - Use contract items only
18. Reimbursement Ratio (Federal)
 - Use current ratio
 - Job ratio is established at PS&E approval date
19. Appropriation Code(s) (Federal)
 - Appropriation code applicable to the program involved

EXHIBIT 6-C continued

20. Revised Detail Estimate or Modification
- Required when Federal funds are to be changed from what was previously under agreement
 - Changes can be accomplished by updating item costs, supplemental work, contingencies, etc.
 - Change Title to "Revised Detail Estimate".
 - Must remain consistent with FTIP/FSTIP rules
 - Wording to be changed in Item 2 by adding "To be used as basis for modification of Agreement for Federal-aid project....."
 - Remaining instructions are unchanged
 - OLP will provide FHWA with two original PR2As upon receipt from the DLAE of a Revised Detail Estimate and Revised Finance Letter

EXHIBIT 6-D

FINANCE LETTER

DEPARTMENT OF TRANSPORTATION
DIVISION OF ACCOUNTING
LOCAL PROGRAM ACCOUNTING BRANCHDate: _____
Agency: _____
Project No. _____
EA No. _____

ATTN: _____

| TOTAL COST OF WORK | TOTAL PARTIC. COST | FEDERAL FUNDS | LOCAL FUNDS | OTHER FUNDS Type: | OTHER FUNDS Type: |
|--|--------------------------|------------------|----------------|-------------------------|-------------------------|
| Agency Preliminary Engineering | | | | | |
| State Furnished Preliminary Engineering | | | | | |
| Overhead at _____% | | | | | |
| R/W Engineering & Administration Costs | | | | | |
| R/W Purchase Costs | | | | | |
| Relocation Assistance (SJ 3A055) | | | | | |
| Contract Items _____ | | | | | |
| Utilities _____ | | | | | |
| Supplemental Work _____ | | | | | |
| Contingencies _____ | | | | | |
| Trainees _____ | | | | | |
| Agency Furn. Mat. _____ | | | | | |
| Contract Total: Agency XXXX _____ | | | | | |
| Agency Construction Engineering | | | | | |
| State Furn. Construction Engineering | | | | | |
| Overhead at _____% | | | | | |
| State Furnished Materials Testing | | | | | |
| Overhead at _____% EA No. _____ | | | | | |
| Striping by Agency | | | | | |
| TOTAL: | | | | | |

Federal

Participation: _____ %

Reimb. Ratio: _____ %

Signature: _____

Title: _____

REMARKS: _____

7. Project Supervision & Inspection

References:

23 U.S.C. 114
23 U.S.C. 302
23 CFR 635.105
LPM Section II-7

Applicability:

Applies to all Federal-aid highway construction projects.

Guidance:

Section 302 of Title 23 requires State Highway Agencies (SHA) to be suitably equipped and organized to carry out the Federal-aid program. By requiring projects to be completed in accordance with the approved plans and specifications, the FHWA has assigned the responsibility of contract administration and construction inspection to the SHA's. This responsibility is conveyed to the SHA's by way of the project agreement, Form PR-2, which is executed for each Federal-aid project. For all non-NHS projects further delegation of responsibility is made by Caltrans to the agency administering the project.

The administering agency responsibility is not terminated when construction engineering services are provided by a consultant. It is incumbent that the administering agency provide a full-time engineer in responsible charge of the project at all times.

When a Federal-aid project is to be constructed on a facility that is not under the SHA's jurisdiction, the SHA may arrange for the local public agency having jurisdiction to perform the work with its own forces, or by contract, provided that all of the following conditions are met:

- all Federal requirements including those prescribed in 23 CFR 635 Subpart A shall be met on work performed under a contract awarded by a local public agency,
- force account work shall be in full compliance with 23 CFR 635 Subpart B.
- the local public agency is adequately staffed and suitably equipped to undertake and satisfactorily complete the work, and
- the local public agency shall provide a full-time employee of the agency to be in responsible charge of the project that employs consultants for construction engineering services.

Such an arrangement does not relieve the SHA of overall project responsibility, and is subject to the division administrator's concurrence. The Office of Local Programs will review local agency project staffing by periodic process reviews to assure compliance with Section 302 of Title 23.

Project Staffing:

Adequate construction personnel should be provided to ensure that quality highways are constructed. Local Agencies shall include in the project records the names and titles of all staff assigned to each federal-aid project.

The documentation of project staffing is essential in making a determination of the adequacy of the Local Agency's construction staffing. Items that should be reviewed and documented in the projects files are:

- sampling and testing (i.e., quality level analysis, frequency, testing results, failing test reports, etc.),

- documentation of field control (i.e., problem situations, diaries, work orders to remove and replace, etc.), and
- the engineer's candid opinions on staff, supervision, and job control.

Procedures:

The administering agency must designate a qualified engineer who is empowered to administer the contract. The agency may employ a consultant to provide construction engineering services such as inspection or survey work, however, the agency must provide a full-time employee to be in charge of and have administrative control of the project. A consulting firm that is on retainer as City Engineer will be considered as a full-time publicly employed engineer. The engineer or his delegated Local Agency employee is to devote the major portion of his time to the project while work is underway.

Contractors, including those operating in joint venture, are required under the contract to designate in writing a person or persons authorized to supervise the work and to act for the contractor on the project. The administering agency's engineer is to insure that this information is on file. The addresses and local telephone numbers of such persons should be included.

The work must be inspected to ensure compliance with the contract. Deviations must promptly be brought to the contractor's attention. Samples must be taken and tests performed as noted in Section 18 of this attachment or in accordance with the local agencies own Quality Assurance Program . A record must be made of the engineer's and inspector's activities, as noted in Section 11 of this attachment.

The activities of the engineer and inspector may vary considerably depending on the terms of the contract; such as, end result specifications; method specification; types of measurement and payment clauses; experience of the contractor; complexity of the work; adequacy of the plans and specifications; protection of the public; and other factors. The Local Agency shall assign the necessary personnel to the project to assure that all the requirements of the contract are being fulfilled.

The primary responsibility for assuring the contractor's compliance with the Disadvantaged Business Enterprise/Women Owned Business Enterprise (DBE/WBE) commitments approved prior to award rests with the Liaison Officer and the Local Agency Resident Engineer. The Resident Engineer should ascertain that no one other than the approved DBE and WBE contractors are performing the work, and that DBE and WBE subcontractor substitutions have been approved in advance.

When a problem arises, the Resident Engineer may request assistance or clarification from the DLAE. The DLAE will evaluate staff availability and determine if assistance can be provided. It is recommended that Chapter VI of the State's Construction Manual be reviewed for more specific activities relating to roadwork. For structure work the State's Bridge Construction Records and Procedures Manuals contains much technical reference material.

The DBE/WBE Local Agency Liaison Officer and his/her reporting manager are to be immediately advised of any circumstances wherein a contractor appears to be violating the approved DBE/WBE commitments.- The Liaison Officer will assign an investigator and recommend any corrective action needed. The RE is responsible for resolving contractor violations by verifying that corrective action was completed. Noncompliance with the DBE and WBE requirements may result in withholding of funds by Caltrans or by the administering agency on the items already completed if permitted in the Special Provision (See LPM Volume I, Section 18).

8. Pre-Construction Meeting

References:

LPM Section II-8

Applicability:

Applies to all non NHS federal-aid projects

Procedures:

The administering agency shall schedule a pre-construction conference, unless the administering agency determines that the project is of such a minor nature that a meeting is not necessary.

The meeting shall be attended by representatives of the Local Agency and the Contractor. It is suggested that other affected agencies; local authorities (police, fire, etc.); and public utilities personnel be invited to attend. Additional meetings may be advisable where considerable effort and time is required to cover specific areas, such as Labor Compliance, EEO, record keeping, etc.

Local Agency representatives will explain the various forms, reports, as well as sanctions for noncompliance with Local, State, and Federal requirements. Discussion is to include requirements for Equal Employment opportunity, State and Federal safety, labor compliance and DBE/WBE. Potential utility and traffic safety problems should also be discussed, as well as environmental requirements.

A written record of attendance and items discussed shall be made by the administering agency. A copy of the written record or the reasons for not holding the pre-construction conference shall be kept in the project files.

9. Contract Time

References:

23 CFR 635.121
FHWA TA T 5080.15
LPM Section II-9

Applicability:

23 CFR 635.121 applies to all Federal-aid highway construction projects except non-NHS projects.

Guidance:

For non-NHS projects, the administering agency is responsible for reviewing working days, contract time requirements, and documenting time extensions according to their own requirements. These requirements must be consistent with other similar projects not using federal aid. Contract time extensions proposed after acceptance of the contract must have written approval of the administering agency.

Documentation similar to the **Form CEM-2701** (Old HC-146) EXHIBIT 9-A is acceptable and shall be retained in the project file

EXHIBIT 9-A

Form CEM-2701 (Old HC-146)

File Index No. 27
REPORT
NO. _____FORM
HC-146
(REV. 7-79)JOB
STAMP

WEEKLY STATEMENT OF WORKING DAYS

To _____ Contractor

The following statement shows the number of working days charged to your contract for the week ending _____ 19 _____

| Date | Day | Weather, Weather Conditions, or Other Conditions (Note 1) | Working Day | Non-Working Days Caused by Weather | Working Days No Work Done on Controlling Operation (Note 2) |
|--------------------------------|------|---|-------------|------------------------------------|---|
| | Mon | | | | |
| | Tue. | | | | |
| | Wed. | | | | |
| | Thur | | | | |
| | Fri. | | | | |
| Days this week | | | | | |
| Days previously reported | | | | | |
| Total days to date | | | | | |

| TIME EXTENSIONS | CCO Numbers (Note 3) | Days Approved | |
|--------------------------------|----------------------|---------------|-------|
| | | CCO | Other |
| Days This Report | | | |
| Days Previously Reported | | | |
| Total days to date | | | |

| COMPUTATION OF EXTENDED DATE FOR COMPLETION | Number of Days | Numbered Day (Note 5) | Date |
|--|----------------|-----------------------|------|
| 1. Date Contract approved by Attorney General | | | |
| 2. Working days specified in contract | | | |
| 3. COMPUTED DATE FOR COMPLETION (if all days specified are workable) | | | |
| 4. Total time extension days approved to date (CCO plus other) | | | |
| 5. Total non-working days to date (Note 4) | | | |
| 6. Sub Total (Line 4 Plus Line 5) | | | |
| 7. EXTENDED DATE FOR COMPLETION (Line 3 Plus Line 6) | | | |
| 8. Revised Working days for contract (Line 2 Plus Line 4) | | | |
| 9) Total working days to date | | | |
| 10) WORKING DAYS REMAINING (line 8 minus line 9) | | | |

Controlling Operation(s)

REMARKS (Note 6) (Continues on reverse)

The Contractor will be allowed fifteen (15) days in which to protest in writing the correctness of the statement; otherwise the statement shall be deemed to have been accepted by the Contractor as correct. NOTE: All footnotes are on reverse side.

Resident Engineer

Distribution: (1) Original CONTRACTOR (2) Copy-Local Agency RE Project File

EXHIBIT 9-A (Continued)

INSTRUCTIONS TO LOCAL AGENCY RESIDENT ENGINEER
for Form CEM-2701Procedures:

1. When recording non working days due to weather, state the reason why the day is unworkable when the weather description itself does not adequately describe conditions. For example, "Clear -- wet grade" to describe conditions when the weather was clear, but the grade is too wet to work. Do not list days merely as "Unworkable".
2. Enter days on which no productive work has been performed on the controlling operation(s) for reasons other than weather.
3. List numbers of contract change orders providing for time extensions.
4. Do not include non working days which occur after expiration of the Extended DATE OF COMPLETION. On contracts that are overtime, the total under WORKING DAYS shall not be greater than the total of REVISED WORKING DAYS, (Line 8). After approved total of working days has been reached, continue recording working and non working days but do not add into the totals. Make statement under REMARKS that WORKING and NON WORKING days are shown for record only since the contract time has elapsed.

If an extension of time is subsequently approved, determine the new Extended DATE by taking into account all non working DAYS.

5. From calendar issued by Headquarters Construction with working days numbered for convenience in computations.
6. Time extensions other, are to be explained under REMARKS and the following information is to be included:
 - (a) Cause of delay and specification reference under which approval was granted.
 - (b) Statement as to what controlling operation or operations are being delayed and to what extent.
 - (c) Dates for which the extension was granted.
 - (d) Reference to supporting data.

10. Subcontractors

References:

1994 Contract Administration Core Curriculum
Public Contract Code Chapter 4
49 CFR part 23
FHWA 1273 Contract Provisions

Applicability:

Applies to all non NHS federal-aid projects except that 23 CFR 635.116 does not apply to projects off the NHS system i.e. there is no limitation to the amount of subcontracting that can be used. Subcontracting and substitution of subcontractors is governed by the Public Contract Code and the requirements of 49 CFR part 23.

Procedures:

The contractor must request permission in writing and receive written consent from the Local Agency **before** subletting any portion of a contract to a first tier subcontractor. Refer to EXHIBIT 10-A Subcontracting Request form DC-CEM 1201 (Old Form HC-45) which states what portion of an item is to be subcontracted along with the dollar value of that item. The requirement for written consent does not apply to second and lower tier subcontracts. However, all labor compliance, EEO, insurance and other contractual obligations remain in effect regardless of tier. Occasionally, a situation may arise whereby an item of work designated to be performed by a DBE/WBE will be performed under a lower tier subcontractor. In these instances it is imperative that the subcontracting approval be granted only if the designated DBE/WBE actually performs that item of work.

Substitution of Subcontractors

If a listed or approved Disadvantaged Business/Women Business Enterprise (DBE/WBE) subcontractor is unable to perform the designated work, the prime contractor shall replace him or her with a DBE/WBE or make a good faith effort to do so.

A letter from the Prime Contractor at the time a request for substitution which is submitted to the Liaison Officer must include as a minimum, the following:

- Reason for substitution if it is initiated by a DBE/WBE subcontractor.
- Name, address and telephone number of the listed or approved DBE or WBE.
- Name, address and telephone number of the proposed subcontractor.
- Item numbers, description of work and the proposed subcontractor's bid amount.
- Good-faith effort if the substitute subcontractor is not a DBE or WBE.

EXHIBIT 10-A

FRONT

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTING REQUEST
DC-CEM-1201 (REV. 4/94) (OLD HC-45) CT# 7541-3514-7See Instructions
On Back

REQUEST NUMBER

| | | | | | | | |
|--|-----------------------|----------------------------|--|--|-------|---|--|
| CONTRACTOR NAME | | | COUNTY | | ROUTE | | |
| BUSINESS ADDRESS | | | CONTRACT NO. | | | | |
| CITY/STATE | | ZIP CODE | FEDERAL AID PROJECT NO. (From Special Provisions) | | | | |
| SUBCONTRACTOR (Name, Business Address, Phone) | BID ITEM NUMBER(S) | % OF BID ITEM SUBBED | CHECK IF: (See Categories Below) (1) (2) (3) | | | DESCRIBE WORK WHEN LESS THAN 100% OF WORK IS SUBBED | \$ AMOUNT BASED ON BID \$ AMOUNT |
| | | | | | | | |
| Categories: 1) Specialty 2) Listed Under Fair Practices Act 3) Certified DBE/MBE/WBE/DVBE | | | | | | | |

I Certify That:

- The Standard Provisions for labor set forth in the contract apply to the subcontracted work.
- If applicable, (Federal Aid Projects only) Section 14 (Federal Requirements) of the Special Provisions have been inserted in the subcontracts and will be incorporated in any lower-tier subcontract. Written contracts have been executed for the above noted subcontracted work.

| | |
|------------------------|------|
| CONTRACTOR'S SIGNATURE | DATE |
|------------------------|------|

NOTE: This section is to be completed by the Resident Engineer

- Total of bid items\$ _____
- Specialty items (previously requested).....\$ _____
- Specialty items (this request).....\$ _____
- Total (lines 2+3)\$ _____
- Contractor must perform with own forces (lines 1 minus 4) x _____ %\$ _____
- Bid items previously subcontracted\$ _____
- Bid items subcontracted (this request).....\$ _____
- Total (lines 6+7)\$ _____
- Balance of work Contractor to perform (lines 1 minus 8).....\$ _____

| | |
|-------------------------------|------|
| APPROVED | |
| RESIDENT ENGINEER'S SIGNATURE | DATE |

EXHIBIT 10-A (Continued)

Back

INSTRUCTIONS FOR COMPLETING SUBCONTRACTING REQUEST FORM

All First-tier subcontractors must be included on a subcontracting request.

Submit in accordance with Section 8-1.01 of the Standard Specifications. Type or print requested information. Information copy is to be retained by the contractor. Submit other copies to project's Resident Engineer. After approval, the original will be returned to the contractor.

When an entire item is subcontracted, the value to be shown is the contractor's bid price.

When a portion of an item is subcontracted, describe the portion, and show the % of bid item and value.

THIS FORM IS NOT TO BE USED FOR SUBSTITUTIONS.

Prior to submittal of a DC-CEM-1201 involving a replacement Subcontractor, submit a separate written request for approval to substitute a listed subcontractor. Section 4107 of the Government Code covers the conditions for substitution.

Submit a separate written request for approval of any DBE/MBE/WBE/DVBE substitution. Include appropriate backup information and state what efforts were made to accomplish the same dollar value of work by other certified DBE/MBE/WBE/DVBES.

NOTE: For contractors who will be performing work on railroad property, it is necessary for the contractor to complete and submit the Certificate of Insurance (State Form DH-OS-A10A) naming the subcontractor as insured. *No work will be allowed which involves encroachment on railroad property until the specified insurance has been approved.*

11. Engineers Daily Reports

References:

LPM Volumes I & III
LPM Section II-11
Caltrans Construction Manual Section 3-01-1

Procedures:

The administering agency's engineer and construction inspectors shall keep daily reports to record work in progress.

Record hours worked by men and equipment:

- 1) where work is being paid for based on the cost of labor, equipment, and material
- 2) when there is an anticipated change in character of work
- 3) when there is a potentially significant overrun or under-run, or
- 4) when there is disputed work or a potential claim.

The detail should be sufficient to permit review of the contractor's costs of the work in a manner similar to force account. Equipment should be identified sufficiently to enable determination of the applicable rental rates and operator's minimum wage. In some cases it may be desirable to record dates of arrival or departure of equipment, as well as idle time for breakdown or other reasons.

The narrative portion of the report should include a description of the contractor's operation and the location where the work was performed. It should also include statements made by the contractor or agency personnel. The report must also contain the name of the contractor or subcontractor performing the work.

When the report is used to determine compliance with the labor provisions of the contract, include the following additional information: (1) the names or identification numbers of the contractor's personnel, (2) the respective classifications of the work being performed, and (3) the number of hours worked on the date covered by the report. Reporting for labor compliance will be done on a random spot-check basis only. The number of reports for this purpose should vary with the size and duration of the contract and the degree of compliance revealed by checking previous reports. One report per week for each operation being performed on the project should be used as an initial guide. The frequency may be reduced after a high degree of compliance has been verified.

An example of a engineers daily report form (HC 10A) used by Caltrans is shown on page 2-11-2 of the Local Programs Manual.

The engineers' daily reports discussed herein are required in addition to the extra work reports submitted by the contractor.

12. Project Files

References:

LPM Section II-12

Guidance:

An administering Local Agency must establish a separate record file for each Federal-aid Highway project. The file shall contain all data pertinent to the work and to the requirements of the specifications. The file must be complete, available at a single location, and be organized and maintained in a manner that will permit inspection by Caltrans and FHWA personnel.

Generally, whenever the Local Agency is unable to produce requested data or information, it shall assumed by reviewing personnel the required actions were either never performed or not properly recorded. Organized project files will minimize these negative assumptions.

DLAEs shall periodically perform process reviews and inspect, during construction, Local Agency project files for compliance with Federal and State requirements. Organization and content of the project file is essential to the effective and efficient use of resources for conducting process reviews.

Procedures:

Organization of Files

Local Agency administered Federal-aid Highway project files shall be organized and maintained as indicated below:

Project Record Filing System - Locally Administered Federal-aid Projects

1. Project personnel
2. Correspondence
 - a. Contractor
 - b. General
3. Weekly record of working days
4. Materials data
5. Engineer's daily reports
 - a. Resident engineer
 - b. Structure engineer
6. Contract item pay quantity documents
7. Contract change orders
8. Extra work reports
9. Progress pay estimates and status of funds
10. Labor compliance and Equal Employment Opportunity (EEO) records
11. Contractor's payrolls
12. Final report

13. Materials Certificate

14. DBE Records

Other sections of the Local Programs Manual (Volumes I through III) explain the contents of the previously listed file categories.

Large Projects

A large and complex Local Agency project usually requires a more detailed record-keeping system. The record-keeping system described in Caltrans Construction Manual, Section 3-01-1 ("Red Book") is suggested for large projects.

Process Review Facilitated With Proper Maintenance of Files

All contract documentation and backup records shall be available at any time for inspection by Caltrans and FHWA reviewing personnel. Use of a uniform project record-keeping system, together with diligent maintenance of the system, greatly facilitates a process review and minimizes negative findings. Good records of all construction activities clearly demonstrate to all concerned that project supervision and control were attained on the project.

13. Construction Records and Accounting Procedures

References:

LPM Section II-13

Procedures:

On "State Administered" projects, the procedures outlined in the State's Construction Manual will be followed. On "Locally Administered" projects a similar accounting system should be used. The essential elements of the system are as follows:

- It must contain a file of source documents supporting payments made to contractors. Source documents can be any written record(s) which clearly record: a) to what specified portion of work it applies; b) the necessary measurements and/or calculations by which the quantity is determined; and c) the name of the individual who made the determination.

The calculations on source documents are to be checked in accordance with good engineering practice and the name of the checker included thereon. Checking should be performed as soon as practicable, but in any event prior to payment of a final estimate. Quantities from source documents must be entered in the appropriate project records.

Weight master certificates are source documents and must be validated by a representative of the administering agency at the point of delivery.

- It should contain a separate item sheet for each contract item and each other appropriate accounting category such as; adjustments of compensation; extra work payments; payments for materials not yet incorporated into the work; and deductions.

It should contain a contingency balance and anticipated changes sheet, on which the current estimated probable final cost of the work is recorded.

- It must provide for retention of the records in accordance with the Local Agency-State Agreement. This agreement requires that records be retained by the local agency for a period of three years from the date of final payment under the project program supplement.

Progress Estimates must be prepared and a copy submitted to the Caltrans Accounting Service Center Attention: Local Programs Accounting Branch with each invoice requesting reimbursement. The Local Agency may use its own format. The Progress Estimate will be used as part of the back-up for the invoice shown as EXHIBIT13-A.

LAAPS is no longer available to the Local Agencies.

EXHIBIT 13-A

SAMPLE FEDERAL-AID INVOICE
Single-Phase EA*(Letterhead of Local Agency)**Date of Invoice*

(For Progress Invoice)
 Department of Transportation
 Accounting Service Center
 Local Program Accounting Branch
 P.O. Box 942874
 Sacramento, CA 94274-0001

(For Final Invoice)
Name, District Director
 Department of Transportation
Street or P. O. Box
City, CA Zip Code
 Attention: *Name*, Local Assistance Engineer

Billing No: *1, 2, .., or Final*
 Invoice No: *Local Agency's Invoice No* .
 Federal Aid Project No: *Fund Abbr.-Route-(Job #)*
 Tax Identification No: *Agency IRS ID Number*
 Date Accepted by City/County: *Final Date : "Ongoing" (if not*
 Project Location: *Project Limits Final)*

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement

No. *Number*, Program Supplement No. *Number*, executed on *Date*

| | <u>Preliminary Engineering</u> | <u>Construction Engineering</u> | <u>Construction Contract</u> | <u>Total 33D</u> |
|---|------------------------------------|-------------------------------------|----------------------------------|----------------------|
| Federal Appropriation Code | 33D | 33D | 33D | |
| Expenditure Authorization No | 969696 | 969696 | 969696 | |
| Federal Authorization Date | 06/30/94 | 01/02/95 | 01/02/95 | |
| Federal participating costs from | 07/05/94 | 01/30/95 | 02/15/95 | |
| to | 12/30/94 | 04/30/95 | 04/30/95 | |
| Total Costs | \$3,500.60 | \$8,400.30 | \$200,000.10 | \$211,901.00 |
| Less: Retention | (0.00) | (0.00) | (20,000.00) | (20,000.00) |
| Non participating Costs | <u>(350.00)</u> | <u>(840.00)</u> | <u>(16,000.00)</u> | <u>(17,190.00)</u> |
| Subtotal | \$3,150.60 | \$7,560.30 | \$164,000.10 | \$174,711.00 |
| Plus: Payment of Previously Withheld Retention | <u>0.00</u> | <u>760.00</u> | <u>0.00</u> | <u>760.00</u> |
| Federal Participating Costs to Date | \$3,150.60 | \$8,320.30 | \$164,000.10 | \$175,471.00 |
| Less: Participating Costs on Previous Invoice | | | | <u>88,495.62</u> |
| Change in Participating Costs | | | | \$86,975.38 |
| Reimbursement Ratio | | | | <u>88.53%</u> |
| Amount This Claim | | | | \$76,999.30 |

EXHIBIT 13-A continued

| | <u>Construction Engineering</u> | <u>Construction Contract</u> | <u>Total 33T</u> |
|---|-------------------------------------|----------------------------------|-------------------------------|
| Federal Appropriation Code | 33T | 33T | |
| Expenditure Authorization No | 969696/30600 | 969696/30600 | |
| Federal Authorization Date | 01/02/95 | 01/02/95 | |
| Federal participating costs from | 01/30/95 | 02/15/95 | |
| to | 04/30/95 | 04/30/95 | |
| Total Costs | \$2,100.10 | \$50,000.00 | \$52,100.10 |
| Less: Retention | (0.00) | (5,000.00) | (5,000.00) |
| Non participating Costs | <u>(210.00)</u> | <u>(4,000.00)</u> | <u>(4,210.00)</u> |
| Subtotal | \$42,890.10 | \$1,890.10 | \$41,000.00 |
| Plus: Payment of Previously Withheld Retention | <u>190.00</u> | <u>0.00</u> | <u>190.00</u> |
| Federal Participating Costs To Date | \$2,080.10 | \$41,000.00 | \$43,080.10 |
| Less: Participating Costs on Previous Invoice | | | <u>21,470.00</u> |
| Change in Participating Cost Reimbursement Ratio | | | \$21,610.10 <u>100.00%</u> |
| Amount This Claim | | | \$21,610.10 |
| INVOICE TOTAL | | | <u>\$98,609.40</u> |

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

Distribution: (1) Original + two copies to Caltrans Local Programs Accounting (2) Copy-retained by Local Agency

14. Safety Provisions

References:

LPM Section II-14
Division of Industrial Safety-Construction Safety Orders

Applicability:

Applies to all non NHS federal-aid projects .

Procedures:

The contractor is required under the contract to comply with safety rules and regulations. The "Construction Safety Orders" of the State Division of Industrial Safety apply.

In administering this part of the contract, the engineer is required to see that the contractor properly provides for the safety of the workmen. Under no circumstances should the contractor be instructed orally or in writing on how to correct a deficiency. The unsafe condition should simply be identified as well as the specific regulation involved if it is known. In carrying out the responsibilities of assuring safety compliance as a contract requirement, the following guidelines shall be used:

1. Imminent Hazard -- a condition that if not corrected would most likely result in an accident causing severe or permanently disabling injury or death.

When an imminent hazard condition is known to exist or when a contractor either delays in correcting or permits repeated occurrences of hazardous condition, the engineer should immediately order the contractor to suspend the operations affected and not permit the work to resume until the condition has been corrected. The local Division of Industrial Safety office should be notified of the hazardous condition and of the action taken.

2. Dangerous -- a condition that does not present an immediate danger to workers, or the public, but if not corrected could result in a disabling injury and possible death, or could develop into an imminent hazard.

When a dangerous condition is known to exist, the engineer should notify the contractor in writing of the conditions and allow a reasonable period for correcting the condition. If the engineer is not certain of the remedial measures proposed or taken by the contractor, then the Local Agency's safety coordinator shall be consulted. If the contractor does not correct the dangerous condition or if the condition is deteriorating into an imminent hazard, the engineer should consider suspending the affected operations.

2. Minor or Non-Serious -- conditions that could result in minor or less serious injuries, or that are repetitive in nature, or that may be classified as a threat to health.

When minor or non-serious conditions are known to exist, the engineer should advise the contractor of the conditions and of the necessity for eliminating them. If the contractor fails to correct the problem or permits its repeated occurrence on subsequent operations, then the Local Agency's safety coordinator should be notified.

15. Labor Compliance

References:

Copeland Act
Davis-Bacon Act
Construction Manual, Chapter IX, Section 9-01, "Labor Compliance"
LPM Section II-15

Applicability:

Applies to all non NHS federal-aid projects .

Procedures:

General

The Administering Agency is responsible for ensuring that all labor compliance requirements are performed and documented in the project file. Generally, labor compliance issues are covered at the pre-construction conference.

All labor compliance requirements will be monitored by Caltrans through a process review or a mini process review regardless of whether an agency is under Certification Acceptance (CA). Process review teams shall consist of a representative from Caltrans' District Local Assistance unit and a District Labor Compliance Officer.

When labor compliance problems are discovered by the administering agency they should be reported to the District Local Assistance Engineer. The DLAE will consult with the District Labor Compliance Officer to determine the appropriate action required to remedy or address the problem. When labor compliance problems are discovered by process review they should be documented in the process review report with a recommendation for correction of the problem. The report shall be submitted to Headquarters Local Programs Process Review Committee for approval.

Documentation

The administering agency must maintain sufficient records to ensure contractor/subcontractor compliance with wage and apprenticeship sections of the contract. Specific actions required, include but are not limited to:

- Preparing inspector's daily reports which note employee names, labor classifications, hours worked, and equipment working on the project. Ideally, employee names, classifications, and hours worked should be noted on each daily report. If this is not possible, then as a minimum, the data must be reported in at least one diary during the week.
- Conducting spot interviews with employees on the project. A form similar to, or State Form HC-0031 should be used. (Exhibit 15-A).
- Ensuring that the contractor submits certified payrolls and/or owner operator listings (as appropriate) for their work and from all subcontractors or equipment rental companies who perform work on the project. Every laborer or mechanic performing work on the project must appear on either a certified payroll or owner operator list.
- Maintaining written evidence of apprentices employed on the project.
- Spot checking the payrolls or listings to ensure that at least the applicable Davis-Bacon or State prevailing wage rates as referred by the Special Provisions are paid.

- Cross checking reports, interviews, payrolls and wage rates in order to determine the contractor's and subcontractor's compliance. Comparing all day labor work to certified payrolls. Employees' names, classifications, and wage rates should match.
- Ensuring that the contractor posts all specified posters, wage determinations, etc. at the job site.
- Applying necessary sanctions against the prime contractor for failure to submit payrolls or noncompliance with the labor standard requirements. Sanctions must be in conformance with current Department of Transportation policy as described in the Construction Manual, Chapter IX, Section 9-01, "Labor Compliance."
- Reporting any apparent violation of State or Federal labor requirements to the Caltrans District Labor Compliance Officer immediately upon discovery; contacting the District Labor Compliance Officer for advice, training, and assistance as needed.

EXHIBIT 15-A

STATE OF CALIFORNIA•DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW:LABOR COMPLIANCE/EEO

HC-0031A(REV.4/91)

CT#7541-3512-3

| | | | |
|---|--|---|-----------------|
| CONFIDENTIAL | | CONTRACT # | |
| <i>This document contains personal information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure</i> | | FEDERAL # | |
| INSTRUCTIONS-(See Reverse Side) | | | |
| 1. TO BE FILLED IN BY INTERVIEWER (Data may be obtained from payroll records or during source document review) | | | |
| EMPLOYEE NAME | | LABOR CLASSIFICATION | |
| MINIMUM BASE WAGE PER CONTRACT: | Base Rate | FRINGE BENEFITS | |
| MINIMUM BASE WAGE PER PAYROLL (if available): | Base Rate | FRINGE BENEFITS | |
| EMPLOYER | | PRIME CONTRACTOR ON THE PROJECT (If same, state so) | |
| WORK BEING PERFORMED AT TIME OF INTERVIEW | | | |
| 2. QUESTIONS TO BE ASKED OF EMPLOYEE | | | |
| A. HOW LONG HAVE YOU WORKED FOR YOUR PRESENT EMPLOYER? | | HOW LONG ON THIS PROJECT? | |
| B. DESCRIBE THE TYPE OF WORK YOU HAVE BEEN DOING THIS PAST WEEK? | | | |
| C. WHAT IS YOUR WAGE (Including Base Rate and Fringe Benefits (Compare to Payroll)) | | DO YOU KEEP A RECORD OF HOURS WORKED? YES NO | |
| D. DO YOU WORK OVERTIME? <input type="checkbox"/> FREQUENTLY <input type="checkbox"/> SELDOM <input type="checkbox"/> NONE ARE YOU PAID TIME AND ONE HALF FOR OVERTIME? <input type="checkbox"/> YES <input type="checkbox"/> NO | | IF NO, EXPLAIN | |
| E. HAS YOUR EMPLOYER DIRECTED YOUR ATTENTION TO THE REQUIRED WAGE RATE POSTER ON THE PROJECT? <input type="checkbox"/> YES <input type="checkbox"/> NO | | HAVE YOU SEEN THESE POSTERS? <input type="checkbox"/> YES <input type="checkbox"/> NO | IF NO, EXPLAIN |
| F. ARE YOU AWARE OF THE CONTRACTOR'S EEO POLICIES? <input type="checkbox"/> YES <input type="checkbox"/> NO | DOES THE CONTRACTOR HOLD REGULAR EEO MEETINGS <input type="checkbox"/> YES <input type="checkbox"/> NO | HOW OFTEN? | |
| WHO CONDUCTS THE MEETINGS? | WHO IS THE EEO OFFICER FOR YOUR EMPLOYER? | WHO IS THE EEO OFFICER FOR THIS PROJECT | |
| G. ARE YOU INTERESTED IN/OR HAS YOUR EMPLOYER INFORMED YOU OF UPGRADING AND TRAINING POSSIBILITIES? <input type="checkbox"/> YES <input type="checkbox"/> NO | | IF YES, PLEASE EXPLAIN | |
| 3. ADDITIONAL QUESTIONS FOR OWNER OPERATORS | | | |
| A. EQUIPMENT DESCRIPTION | | TRUCK LICENSE NO. | TRUCK (CAL-T)NO |
| HOURLY RATE \$ (Fully operated & Maintained) | BASE EQUIPMENT RATE \$ | ON WHAT DO YOU BASE YOUR EQUIPMENT RENTAL RATE? <input type="checkbox"/> HOURLY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY | |
| B. DO YOU OWN THE EQUIPMENT <input type="checkbox"/> YES <input type="checkbox"/> NO | | MAY I SEE YOUR CERTIFICATE OF OWNERSHIP? (Interviewer Note Response) <input type="checkbox"/> YES <input type="checkbox"/> NO | |
| LEGAL OWNER | | REGISTERED OWNER | |
| 4. EMPLOYEE COMMENTS Do you have any comments of complaints about wages or EEO policies? | | 5. INTERVIEWER'S COMMENTS | |
| INTERVIEWER'S SIGNATURE | | RESIDENT ENGINEER SIGNATURE | |
| DATE | | DATE | |

EXHIBIT 15-A Continued

STATE OF CALIFORNIA•DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW:LABOR COMPLIANCE/EEO

HC-0031B(REV.4/91)

CT#7541-3512-3

DIRECTIONS TO INTERVIEWER

1. Fill in Section 1 from payroll records, if available, after interview
2. Fill in Section 2 completely. (does not apply to owner operators
3. Fill in Section 3 completely.
4. Employee comments optional in Section 4.
5. Interviewer comments on findings and recommendations
further actions be taken. Attach additional sheets if necessary.

16. Equal Employment Opportunity

References:

23 U.S.C. 140 , 23 U.S.C. 324
23 CFR 200 , 23 CFR 230A and D, 28 CFR 35, 29 CFR 1630
41 CFR 60
49 CFR 21
49 CFR 23
The Civil Rights Act of 1964, Title VI
The Age Discrimination and Employment Act of 1967
The Age Discrimination Act of 1975
The American Disabilities Act of 1990
LPM Section II-16

Applicability:

Applies to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.

Procedures:

The administering agency must maintain sufficient records to insure that the contractor complies with the Equal Employment Opportunity (EEO) requirements of his contract as well as adequate records of its own internal employment procedures. These records are to fulfill the requirements of Title VI of the 1964 Civil Rights Act.

The administering agency must establish an internal EEO reporting system which monitors both contractors under the provisions of Executive Order 11246 as amended, and itself, for compliance with Title VI of the 1964 Civil Rights Act. The Local Agency will be reviewed by the DLAE and EEO Coordinator for compliance with Title VI of the 1964 Civil Rights Act. This review will be conducted in accordance with the process review procedures and reported to the FHWA

The EEO requirements under Executive Order 11246 as amended, are applicable to any contractor who has a Federally-funded contract for more than \$10,000.

The EEO requirements of the contract may include specific affirmative action programs as described in 23 CFR 230.103 . In addition, various reports by the contractors and/or the Local Agency must be forwarded to the Caltrans District Labor Compliance Officer for transmittal to the FHWA. Such reports include the following:

- PR-1391, (EXHIBIT 16-A) - Report of employment showing ethnic and sex composition of each craft classification annually during July. Prepared by the contractor and by each subcontractor if their work exceeds \$10,000.
- Federal Standard Form (CC-257) (EXHIBIT 16-B) - This form shall be submitted as required directly to the US Department of Labor Office of Federal Contract Compliance Programs (OFCCP). A listing of the Office addresses are shown on EXHIBIT 16-C of this Section.
- Other reports developed by the Local Agency for Title VI or required of the Local Agency by the State.

The administering agency will insure that contractors comply with the EEO requirements of their contract by conducting periodic compliance reviews of the contractor at the home office and/or project file.

The District may assist a Local Agency in informing the contractor of EEO requirements. The District may also provide the Local Agency with training and assistance in checking EEO compliance of the contractor.

EXHIBIT 16A

| | | | | | | | |
|---|--|-----------------------------|--|--------------------------------|---------------------------|--|----------------------------|
| FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT | | | | | | OBM NO. 2125-0019 Report For July _____ 19____ | |
| 1. Check appropriate block ____ Contractor ____ Subcontractor | | 2. Name and Address of Firm | | 3. Federal-aid Project No. | | 4. Type of Construction | |
| 5. County where project located | | 6. Percent Complete | | 7. Beginning Construction Date | 8. Dollar Amt of Contract | 9. ESTIMATED PEAK EMPLOYMENT | |
| | | | | | \$ _____ | Month & Year (a) | Number of Employees (b) |

10. EMPLOYMENT DATA

| JOB CATEGORIES | Total Employees | | Total Minorities | | Black Not of Hispanic Origin | | Hispanic | | American Indian or Alaskan Native | | Asian or Pacific Islander | | White Not of Hispanic Origin | | Apprentices | | On the Job Trainees | |
|------------------------|-----------------|---|------------------|---|------------------------------|---|----------|---|-----------------------------------|---|---------------------------|---|------------------------------|---|-------------|---|---------------------|---|
| | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F | M | F |
| OFFICIALS (MGRS) | | | | | | | | | | | | | | | | | | |
| SUPERVISORS | | | | | | | | | | | | | | | | | | |
| FOREMEN/WOMEN | | | | | | | | | | | | | | | | | | |
| CLERICAL | | | | | | | | | | | | | | | | | | |
| EQUIP. OPERATORS | | | | | | | | | | | | | | | | | | |
| MECHANICS | | | | | | | | | | | | | | | | | | |
| TRUCK DRIVERS | | | | | | | | | | | | | | | | | | |
| IRONWORKERS | | | | | | | | | | | | | | | | | | |
| CARPENTERS | | | | | | | | | | | | | | | | | | |
| CEMENT MASONS | | | | | | | | | | | | | | | | | | |
| ELECTRICIANS | | | | | | | | | | | | | | | | | | |
| PIPEFITTERS | | | | | | | | | | | | | | | | | | |
| PLUMBERS | | | | | | | | | | | | | | | | | | |
| PAINTERS | | | | | | | | | | | | | | | | | | |
| LABORERS, SEMI-SKILLED | | | | | | | | | | | | | | | | | | |
| LABORERS, UNSKILLED | | | | | | | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | | | | | | | |

TABLE C

| | | | | | | | | | | |
|---|--|--|------|--|---|--|--|--|------|--|
| APPRENTICES | | | | | | | | | | |
| ON THE JOB TRAINEES | | | | | | | | | | |
| 11. PREPARED BY (Signature & Title of Contractors Representative) | | | Date | | Reviewed By: (Signature & Title of State Hwy Official) | | | | Date | |
| This report is required by law and regulation (23 U.s. C. 140a and 23 CFT Part 230) Failure to report will result in noncompliance with this regulation | | | | | | | | | | |

PREVIOUS EDITIONS ARE OBSOLETE

EXHIBIT 16-A continued

INSTRUCTIONS

This report form shall be used to report the number of minority and non-minority group employees engaged in each work classification on the contract work, as required in Section 14 (previously section 6) of the Special Provisions for Federal-Aid Contracts.

WHO MUST REPORT:

Prime contractors who have Federal-Aid contracts of over \$10,000 and all subcontractors, regardless of tier, whose subcontract(s) exceed \$10,000. Each annual report shall be for project personnel only and shall be compiled for the last full work week of July. Contractors and subcontractors who do not perform any work during that week, need not apply

REPORT DATA:

Subcontractors should report contract and employment data pertaining to their sub-contract work only. The staffing figures to be reported in Table A should include apprentices and trainees along with all other permanent, part time or temporary journey-level men and women. Staffing figures in Table B and C are for apprentices and for apprentice/training only. Apprentices/trainees that are reported in Table B must also be reported in Table C

DUE DATE:

Staffing reports are due on or before the 15th of August.

DEFINITION OF TERMS:

| | |
|------------------------|--|
| OFFICIALS (MANAGERS): | Officers, project engineers, superintendents, etc., having management level responsibilities and authority. |
| SUPERVISORS: | All levels of project supervision, if any, between management and foreman levels. |
| FOREMEN AND WOMEN: | Men and women in direct charge of crafts workers or laborers performing work on the project. |
| MECHANICS: | Equipment service and maintenance personnel. |
| LABORER, SEMI-SKILLED: | All laborers classified by specialized type of work. |
| LABORER, UNSKILLED: | Non-classified laborers. |
| OTHERS: | Miscellaneous job classifications are to be incorporated in the most appropriate category listed on the form. All employees on the project should thus be accounted for. |

MONTHLY EMPLOYMENT UTILIZATION REPORT

U. S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Federal Contract Compliance Programs

| | | | | | | | | | | | | | | | | | | |
|---|-----------------------|---|--|---------------------------------|--|---|---|---|-------------------------------------|------------------------------|---|-----------------|---|---------------------------|-----------------------------|---------------------------------------|---------------------------------|--|
| This report is required by Executive Order 11246, Sec. 203. Failure to report can result in contracts being cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts of federally assisted construction contracts. | | | | | | | | | | 1. COVERED AREA (SMSA OR EA) | | | | 2. Employers I.D. No. | | OBM No. 1215-0163 Expires 12/31/92 | | |
| 3. Current Goals Minority _____ Female _____ | | 4. Reporting Period From _____ To _____ | | Name and Location of Contractor | | | | | | | | | | Federal Funding Agency | | | | |
| 5 | CONSTRUCTION TRADE | CLASSIFICATIONS | 6. TOTAL FEDERAL AND NON-FEDERAL CONSTRUCTION WORK HOURS | | | | | | | | | | 9 | 10 | | | | |
| | | | 6a. Total All Employees by Trade | | 6b. BLACK (Not of Hispanic Origin) | | 6c. Hispanic | | 6d. Asian or Pacific Islander | | 6e. American Indian or Alaskan Native | | | | 7 MINORITY PERCENTAGE | 8 REMALE PERCENTAGE | Total Number of Employees | Total Number of Minority Employees |
| | | | M | F | M | F | M | F | M | F | M | F | | | M | F | M | F |
| | | Journey Worker | | | | | | | | | | | | | | | | |
| | | Apprentice | | | | | | | | | | | | | | | | |
| | | Trainee | | | | | | | | | | | | | | | | |
| | | Subtotal | | | | | | | | | | | | | | | | |
| | | Journey-Worker | | | | | | | | | | | | | | | | |
| | | Apprentice | | | | | | | | | | | | | | | | |
| | | Trainee | | | | | | | | | | | | | | | | |
| | | Subtotal | | | | | | | | | | | | | | | | |
| | | Journey Worker | | | | | | | | | | | | | | | | |
| | | Apprentice | | | | | | | | | | | | | | | | |
| | | Trainee | | | | | | | | | | | | | | | | |
| | | Subtotal | | | | | | | | | | | | | | | | |
| | | Journey Worker | | | | | | | | | | | | | | | | |
| | | Apprentice | | | | | | | | | | | | | | | | |
| | | Trainee | | | | | | | | | | | | | | | | |
| | | Subtotal | | | | | | | | | | | | | | | | |
| TOTAL JOURNEY WORKERS | | | | | | | | | | | | | | | | | | |
| TOTAL APPRENTICES | | | | | | | | | | | | | | | | | | |
| TOTAL TRAINEES | | | | | | | | | | | | | | | | | | |
| GRAND TOTAL | | | | | | | | | | | | | | | | | | |
| 11. COMPANY OFFICIAL'S SIGNATURE AND TITLE | | | | | | | 12. TELEPHONE No. (Including area code) | | | | | 13. DATE SIGNED | | | PAGE _____ of _____ | | | |

EXHIBIT 16B

LPP 95-07

Construction Administration
June 22, 1995

Attachment 8
Page 44

EXHIBIT 16-B continued

INSTRUCTIONS FOR FILLING OUT MONTHLY EMPLOYMENT UTILIZATION REPORT (CC-257)

The Monthly Utilization Report is to be completed by each subject contractor (both prime and sub) and signed by a responsible official of the company. The reports are to be filed by the 5th day of each month during the term of the contract, and they shall include the total work-hours for each employee classification in each trade in the covered area for the monthly reporting period. The prime contractor shall submit a report for its aggregate work force and collect and submit reports for each subcontractor's aggregate work force to the Federal compliance agency that has Executive Order 11246 responsibility. (Additional copies of this form may be obtained from the U. S. Department of Labor, Employment Standards Administration, OFCCP's regional office for your area)

| | |
|--------------------------------------|--|
| Compliance Agency | U. S. Government agency assigned responsibility for equal employment opportunity. (Secure this information from the contracting officer). |
| Federal Funding Agency | U. S. Government agency funding project (in whole or in part). If more than one agency, list all. |
| Contractor | Any contractor who has a construction contract with the U. S. Government or a contract funded in whole or in part with Federal funds. |
| Minority | Includes Blacks, Hispanics, American Indians, Alaskan Natives, and Asian and Pacific Islanders - both men and women. |
| 1. Covered Area | Geographic area identified in Notice required under 41 CFR 60-4.2 |
| 2. Employer's Identification Number | Federal Social Security Number used on Employer's Quarterly Federal Tax Return. (U. S. Treasury Department form 941). |
| 3. Current Goals (Minority & Female) | See contract Notification. |
| 4. Reporting Period | Monthly, or as directed by the compliance agency, beginning with the effective date of the contract. |
| 5. Construction Trade | Only those construction crafts which contractor employs in the covered area. |
| 6. Work-Hours of Employment (a-e) | a. The total number of male hours and the total number of female hours worked by employees in each classification. b.-e. The total number of male hours and the total number of female hours worked by each specified group of minority employees in each classification. |
| 7. Minority Percentage | The percentage of total minority work-hours of all work-hours (the sum of columns 6b, 6c, 6d and 6e divided by column 6a; just one figure for each construction trade). |
| 8. Female Percentage | For each trade the number reported in 6a. F divided by the sum of the numbers reported in 6a, M and F. |
| 10. Total number of Employees | Total number of male and total number of female employees working in each classification of each trade in the contractor's aggregate work force during reporting period. |
| 10. Total # of Minority Employees | Total number of male minority employees and total number of female minority employees working in each classification in each trade in the contractor's aggregate work force during reporting period. |

PUBLIC BURDEN STATEMENT

We estimate that it will take an average of 60 minutes per response to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Office of IRM Policy, U. S. Department of Labor, Room N1301, 200 Constitution Avenue, N.W., Washington, D. C. 20210; and the Office of Management and Budget, Paperwork Reduction Project (1215-0163), Washington, D.C. 20503

DO NOT SEND THE COMPLETED SURVEY TO EITHER OF THESE OFFICES

EXHIBIT 16-C

U. S. DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
EMPLOYMENT STANDARDS ADMINISTRATION

OFCCP OFFICES WITHIN CALIFORNIA

Mr. Lou C. Madrid
Area Director
Los Angeles Area Office
OFCCP / ESA
U. S. Department of Labor
3660 Wilshire Blvd
Los Angeles, CA 90017
Phone No. (800) 475-4020

Ms. Myra Stratton
Area Director
San Francisco Area Office
OFCCP / ESA
U. S. Department of Labor
1375 Sutter Street, Suite 205
San Francisco, CA 94109
Phone No. (415) 744-6630

Mr. William Smithermen
Area Director
Van Nuys Area Office
OFCCP / ESA
U. S. Department of Labor
14546 Hamlin, Suite 220
Van Nuys, CA 91411
Phone No. (818) 904-6285

Mr. Edgar Collins
Area Director
Oakland Area Office
OFCCP / ESA
U. S. Department of Labor
1301 Clay Street, Suite 1080N
Oakland, CA 94612-5217
Phone No. (510) 6372938

Mr. Frank Galaz
Area Director
Santa Ana Area Office
OFCCP / ESA
U. S. Department of Labor
34 Civic Center Plaza, Rm 703
Santa Ana, CA 92712
Phone No. (714) 836-2784

Ms. Alice Young
Interim Director
San Jose Area Office
OFCCP / ESA
U. S. Department of Labor
60 South Market, Suite 410
San Jose, CA 95113-2328
Phone No. (408) 291-7384

Mr. Emmons Shumate
Area Director
San Diego Area Office
OFCCP / ESA
U. S. Department of Labor
880 Front Street, Room 2-S-17
San Diego, CA 92188
Phone No. (800) 475-4020

17. Contract Change Orders

References:

1994 Contract Administration Core Curriculum
LPM Section II-17

Applicability:

Applies to all non NHS federal-aid projects.

Any change of the approved plans or specifications or work required which was not included in the contract must be covered by a contract change order.. All change orders are to be approved by the administering agency in advance of any work being done on the change. **CAUTION:** All change orders which require additional federal funds for the item or change may, in fact, be jeopardized if work is done before authorization is received for the additional federal funds. To receive authorization for additional federal funds the administering agency shall submit the following to the DLAE:

- A letter explaining the change order
- A revised detailed estimate
- Written approval of the change order from the RTPA/MPO.

Approval must be received in writing for the additional federal funds from the DLAE before the change order is approved by the administering agency. All information regarding approved change orders shall be retained in the project construction records. It is recommended that Section 2-50 of the State's Construction Manual be reviewed for additional information on change orders. The procedures described therein will be followed on "State Administered" local assistance projects. For "Locally Administered" projects the following procedures apply.

If the change order work is of an emergency nature and additional federal funds are needed, the Administering Agency shall request the increase in federal funds from the DLAE and RTPA/MPO. Approval for additional federal funds may be given verbally, but the Local Agency shall submit the request in writing to the DLAE and RTPA/MPO immediately to confirm such approval in writing. The request by the administering agency shall include a revised detail estimate. The approval for additional federal funds shall be retained in the construction records.

The Administering Agency is responsible for determining eligibility of all change orders .

Some examples of work which require change orders are listed below:

- Revisions to geometric design (main road, ramps, frontage road, or crossing).
- Revision of the structural section above subbase level.
- Revisions in conflict with standards upon which project approval was based.
- Revisions involving addition, deletion, or relocation of major structures .
- Any change in planned access provisions.
- Any change which should alter the scope of the contract.
- Any change related to type or quality of materials to be furnished.

- Changes in specifications or specified method of processing.
- Changes resulting in an increase or decrease of over 25 percent in a significant item of the contract or total contract amount, or changes resulting in adjustment in unit prices when due to change in the character of the work. A "significant" item will be one for which the bid schedule amount for the item exceeds 5 percent of the-total bid. Adjustments resulting from the application of Section 9-1.08 of the State's Standard Specifications will not be considered major.
- Force account work over \$15,000 in amount and not provided for in an approved PS&E as supplemental work.

A change may be participating, participating in part, or non-participating. In general, most changes will be participating provided they are necessary to complete the project as originally contemplated at the time the plans and specifications were approved.

Following are some items which normally are non-participating:

- Guarantees other than electrical or mechanical.
- Electrical/Mechanical guarantees over 6 months.
- Delivery of salvaged material off the project.
- Utility work - betterment's or work not programmed.
- Plant establishment periods of over 1 year.
- Work outside project limits.
- Work not on properly designated route.
- R/W obligation not programmed.
- R/W obligation already compensated.
- Work chargeable to other programs.
- Maintenance work (except Demonstration Programs).
- Work not in accordance with approved Specifications, unless quality is not reduced.
- Non-highway related work.
- Work outside of Local Agency rules or limits.
- Work done before authorization is received for major CCO's.
- Work over and above amount programmed.
- Deviations from design standards without approved designed exception by local agency.

All questions regarding eligibility (federal funding participation) can be directed to the DLAE for guidance. The Administering Agency engineer should discuss pending change orders with the DLAE as early as possible.

Process reviews will be conducted by DLAE periodically to monitor approved change orders. If change orders are found to be ineligible during a process review, federal funds paid for the change order will be withdrawn from the project.

18. Materials Sampling and Testing

References:

23 CFR 635 subpart D

23 CFR 637 subpart B

Local Agency Guidelines - Washington State Department of Transportation

Construction Manual, Chapter III, Section 3-00, "Project Records and Reports"

Construction Manual, Chapter VIII, Section 8-01, 8-02, and 8-03, "Sampling and Testing"

LPM Section II-18

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

Current procedures for materials sampling and testing for all Federal-aid projects are to follow the Construction Manual, Chapter VIII, Section 8-01, 8-02, and 8-03, "Sampling and Testing".

A "Materials Certificate" (see EXHIBIT 19-E) shall be completed and included in the report of expenditures of the project. A copy of the "Materials Certificate" shall also be included in the local agency construction records. All materials incorporated into the work which did not conform to specifications must be explained and justified on the "Materials Certificate".

19. Project Completion

References:

23 CFR 635 subpart D

23 CFR 637 subpart B

23 CFR 640.113

Construction Manual, Chapter III, Section 3-00, "Project Records and Reports"

Construction Manual, Chapter VIII, Section 8-01, 8-02, and 8-03, "Sampling and Testing"

LPM Section II-19

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

General

On State administered projects the procedures outlined in the State's Construction Manual will be followed. On locally-administered projects the provisions described herein will apply.

Acceptance Procedures

The local agency representative will make the final inspection. The inspection should be made sufficiently in advance of completion to allow time for possible corrective action

The construction contract may not include all of the work contemplated in the project authorized by the FHWA such as striping by day labor. This work should nonetheless be completed in a timely manner. All additional work required for the authorized project must be completed before the final inspection by the Administering Agency.

As Built Plans

On locally-administered contracts the engineer responsible for structure work will provide the DLAE a set of original structure tracings; or a clear, readable, black-line copy of the original tracings with "As Built" corrections. These will be forwarded by the DLAE to the Division of Structures with a copy of the Report of Completion of Structures (Exhibit 19-G). These will be returned to the local agency after microfilming, if they so desire.

"As Built" corrections for the roadwork portion of the plans should be recorded in accordance with local agency requirements.

Reports at Completion of Contract

The local agency is responsible for preparing and submitting to the DLAE final report documents which collectively constitute a "Report of Expenditures." It is this Report (and a Report of Completion if the local agency normally prepares one) which provides key information required by Caltrans and FHWA to initiate timely project closure. The Report of Expenditures/Report of Completion is due at the completion of a contract. Deadline for submittal of the Report(s) is six (6) months after notification of project completion. The State will initiate actions discussed under "Consequences for Non-Compliance" within this section.

The Report of Expenditures includes, as a minimum, the following documents:

- **Final Inspection of Federal-Aid Project.** The local agency shall notify the State when the project has been completed. The Local Agency will prepare FIF91 entitled "Final Inspection of Federal-Aid Project" and submit it to the DLAE as part of the Report of Expenditures (See Exhibit 19-A). This form which asks for a clear description of the project location, limits, and type of work, is to be completed after a locally-administered project has been accepted or after the Administering agency's final inspection of that project. It initiates the project verification by the DLAE.
- **Final Invoice.** Should conform to the form in Exhibit 19-B. Submit one original. The Final Invoice **must** agree with the Final Detail Estimate.
- **Final Detail Estimate** For format of the final detail estimate see Section 6, Detail Estimate of this attachment. Prepare the final detail estimate in the same format as for the initial Detail Estimate given to the District Project Engineer DLAE at the beginning of the contract. If claims are still pending, the Detail Estimate should be identified as "semi-final". The Final Detail Estimate must agree with the Final Invoice. State costs will be furnished by the District Accounting Office to Local Program Accounting. State costs should not be included in the local agency prepared Final Detail Estimate.
- **Change Order Summary.** Should conform to sample form in Exhibit 19-3 19-C. This is required regardless of whether or not change orders were made during the course of the contract. If there were none, please note "none." Additionally, the following mandatory items of information must also be included on this form:
 - **Liquidated damages/contractor's claims.** Indicate the liquidated damage days charged (calendar days) if any, the amount per day, and the total amount charged. Also, provide a brief summary of each of the contractor's pending claims if any, including dollar amounts, if known. This is to be a summary of claims as they exist at the time the contractor returns the proposed final pay estimate. Add any pertinent explanations or clarifying comments. Refer to Section 2 of this LPP, Contract Administration, for contractor's claims procedures. If there were no liquidated damages/contractor's claims, please note "none."
 - **Date of project completion.**
- **Final Report, Utilization of Disadvantaged Business (DBE) and Woman-Owned Business Enterprise (WBE):.** See Exhibit 19-D. This form shall be completed and signed, and it shall be in conformance with the requirements in LPM I-18.
- **Materials Certificate.** (See Exhibit 19-E). This certificate, is commonly referred to as the "Materials Certificate," is to be included in the project files upon completion of the project. Exceptions to the certification should be documented in project records in summary form along with explanations and attached to the certificate.
- **Cover Letter and Report of Completion of Structures on Local Streets and Roads.** See Exhibits 19-F. This report is to be forwarded by the DLAE to the Division of Structures, Office of External Liaison and Agreements, Structures Local Assistance Branch for projects which include a bridge or other major structure. This information is necessary to incorporate all bridges into the statewide inventory and maintenance management system. (Include two (2) copies in the Report of Expenditures).

A checklist identifying all documents inclusive in the Report of Expenditures is in Exhibit 19-G. All documentation materials shall be maintained on file at the local agency for any future audits as specified in the Master Agreement and Program Supplement, and to serve as verification that contractor labor requirements were met.

Consequences For Non-Compliance

Failure to comply with the FHWA imposed reporting requirements discussed above will result in the following:

If the report of Expenditures is not submitted within the six-month time period, the last invoice submitted by the local agency will be considered by the State as the local agency's final invoice for the related project.

When the local agency submits a final invoice or it is otherwise determined that the project is physically completed, Local Program Accounting will track the project by computer. If any of the documentation specified in this section is missing, the project will appear on the "Projects with Documentation Needed from Districts" report. The missing documentation is identified in the comments field. The date this comment was entered will appear in the District Response field. This report is sent monthly to the District Local Assistance Engineers by Local Program Accounting.

After sixty (60) days from the date in the District Response field has elapsed, a "First Request" letter will be sent to the District requesting the missing documentation. After sixty (60) days, a "Second Request" letter will be sent. If the missing documentation is not received within the next sixty (60) days, a "Third and Final Request" letter will be sent. After coordination with the DLAE engineer, a copy of this Final Request Letter will also be sent to the Financial Officer of the local agency. This letter states that Local Program Accounting will bill the agency for all expenditures made on this project if the missing documentation is not received within the next sixty (60) days. If the local agency does not pay the accounts receivable bill within thirty (30) days, Local Program Accounting will initiate action with the State Controller to offset their gas tax funds.

If the local agency has previously included in their billing items not reimbursable by the FHWA or over-billed progress payments that exceed the Final Estimates, the local agency will be billed for the overpayment. If the local agency does not pay the state's accounts receivable bill within thirty days, Local Program Accounting will initiate action with the State Controller to offset their gas tax funds. The same policy will apply to those recommendations from process review reports on applicable findings or the improper utilization of Disadvantaged Business Enterprises.

EXHIBIT 19-A

CALIFORNIA DEPARTMENT OF TRANSPORTATION
OFFICE OF LOCAL PROGRAMS**FINAL INSPECTION OF FEDERAL-AID PROJECT**(Except for ISTEA Certification Acceptance Projects on the NHS
for New and Reconstruction of more than \$1,000,000)INSTRUCTIONS: Local Agency is to complete Items 1-9. DLAE completes Items 10-12
and submits original plus two (2) copies to the Office of Local Programs.

| | | |
|---|---------------------------|---------------------------------|
| 1. PROJECT NO.: | 2. DIST-CO-RTE-AGENCY: | 3. COMPLETION DATE: |
| 4. LOCATION OF IMPROVEMENTS AS PROGRAMMED: | | |
| 5. TYPE OF WORK: | | |
| 6. CONTRACTOR'S NAME: | | 7. CONTRACT AMOUNT: |
| 8. FINAL INSPECTION. The above listed project was completed and a final inspection has been made. The project was completed as programmed and in compliance with all State and Federal requirements | | |
| SIGNATURE (Local Agency Rep) | | DATE: |
| TITLE: | | |
| 9. REMARKS: | | |
| 10. DISTRICT VERIFICATION MADE BY: | 11. DATE OF VERIFICATION: | |
| 12. PROJECT VERIFICATION: This verification of completion also constitutes approval to pay costs shown in the Final Invoice included in the Report of Expenditures and a member of my staff has reviewed the job site and found the project constructed in accordance with the scope and description of the project authorization document. | | |
| SIGNATURE: _____ District Local Assistance Engineer | | DATE: _____ |
| Form FIF 6/95 | | FHWA INSPECTION NOT REQUIRED |

Exhibit 19-B

SAMPLE FEDERAL-AID FINAL INVOICE
Single-Phase EA*(Letterhead of Local Agency)**Date of Final Invoice*

(For Final Invoice)

Name , District Director
Department of Transportation*Street or P. O. Box**City, CA Zip Code*Attention: *Name* , Local Assistance EngineerBilling No: *Final*Invoice No: *Local Agency's Invoice No* .Federal Aid Project No: *Fund Abbr.-Route-(Job #)*Tax Identification No: *Agency IRS ID Number*Date Accepted by City/County: *Final Date*Project Location: *Project Limits*

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement

No. *Number* , Program Supplement No. *Number* , executed on *Date* .

| | <u>Preliminary Engineering</u> | <u>Construction Engineering</u> | <u>Construction Contract</u> | <u>Total 33D</u> |
|--|------------------------------------|-------------------------------------|----------------------------------|-------------------------------------|
| Federal Appropriation Code | 33D | 33D | 33D | |
| Expenditure Authorization No | 969696 | 969696 | 969696 | |
| Federal Authorization Date | 06/30/94 | 01/02/95 | 01/02/95 | |
| Federal participating costs from | 07/05/94 | 01/30/95 | 02/15/95 | |
| to | 12/30/94 | 04/30/95 | 04/30/95 | |
| Total Costs | \$3,500.60 | \$8,400.30 | \$200,000.10 | \$211,901.00 |
| Less: Retention | (0.00) | (0.00) | (20,000.00) | (20,000.00) |
| Non participating Costs | <u>(350.00)</u> | <u>(840.00)</u> | <u>(16,000.00)</u> | <u>(17,190.00)</u> |
| Subtotal | \$3,150.60 | \$7,560.30 | \$164,000.10 | \$174,711.00 |
| Plus: Payment of Previously Withheld Retention | <u>0.00</u> | <u>760.00</u> | <u>0.00</u> | <u>760.00</u> |
| Federal Participating Costs to Date | \$3,150.60 | \$8,320.30 | \$164,000.10 | \$175,471.00 |
| Less: Participating Costs on Previous Invoice | | | | <u>88,495.62</u> |
| Change in Participating Costs Reimbursement Ratio | | | | <u>\$86,975.38</u> <u>88.53%</u> |
| Amount This Claim | | | | \$76,999.30 |

Exhibit 19-B continued

| | Construction <u>Engineering</u> | Construction <u>Contract</u> | Total <u>33T</u> |
|---|------------------------------------|---------------------------------|-------------------------------|
| Federal Appropriation Code | 33T | 33T | |
| Expenditure Authorization No | 969696/30600 | 969696/30600 | |
| Expenditure Authorization No | 969696/30600 | 969696/30600 | |
| Federal Authorization Date | 01/02/95 | 01/02/95 | |
| Federal participating costs from | 01/30/95 | 02/15/95 | |
| to | 04/30/95 | 04/30/95 | |
| Total Costs | \$2,100.10 | \$50,000.00 | \$52,100.10 |
| Less: Retention | (0.00) | (5,000.00) | (5,000.00) |
| Non participating Costs | <u>(210.00)</u> | <u>(4,000.00)</u> | <u>(4,210.00)</u> |
| Subtotal | \$42,890.10 | \$1,890.10 | \$41,000.00 |
| Plus: Payment of Previously Withheld Retention | <u>190.00</u> | <u>0.00</u> | <u>190.00</u> |
| Federal Participating Costs To Date | \$2,080.10 | \$41,000.00 | \$43,080.10 |
| Less: Participating Costs on Previous Invoice | | | <u>21,470.00</u> |
| Change in Participating Cost Reimbursement Ratio | | | \$21,610.10 <u>100.00%</u> |
| Amount This Claim | | | \$21,610.10 |
| INVOICE TOTAL | | | <u><u>\$98,609.40</u></u> |

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative *Phone No.*

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

Distribution: (1) Original-included in Report of Expenditures (2) Copy retained by Local Agency in project file

Exhibit 19-C

(SAMPLE)

CHANGE ORDER SUMMARY

| Change Order No. | Brief Description | Contract Item Price* | Amt. Part. | Amt. Exp. Extra Work** | Amt. Part. |
|---------------------|------------------------------------|-------------------------|------------------|---------------------------|---------------|
| 1 | Traffic Control | 0.00 | 0.00 | \$4,527.25 | \$4,527.25 |
| 2 | 6"PCC Driveway at Sta. 41+50 RT | 255.00 | 255.00 | 0.00 | 0.00 |
| 3 | Add'l 18" RCP at 67+70 LT | 96.00 | 0.00 | 0.00 | 0.00 |
| 4 | Relocate waterline at 14+25 RT | 0.00 | 0.00 | 145.15 | 145.15 |
| 5 | Adjust Compensation AC overrun | 0.00 | 0.00 | (-832.00) | (-832.00) |
| 6 | Delete Valley Gutters | <u>(-255.00)</u> | <u>(-255.00)</u> | <u>0.00</u> | <u>0.00</u> |
| | | \$ 96.00 | \$ 0.00 | \$3,840.40 | \$3,840.40 |

The amount shown as extra work is to be reported as a supplemental expenditure on the final Detail Estimate.

Liquidated Damages/contractors claim: None

Date of completion: 1/2/87

Date of acceptance: 1/5/87

*Amounts shown are included at Bid Prices on Detail Estimate.

**Extra Work (Payment under force account or agreed price).

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
New: CEM ????? (Old: Form HC43 REV 11/83)

FINAL REPORT
UTILIZATION OF DISADVANTAGED BUSINESSES (DB)
AND WOMAN-OWNED BUSINESS ENTERPRISES (WBE)

Location (CO/RTE/PM) _____ Prime Contractor: _____
Project/Contract No. _____
Federal Air Project No. _____ Address: _____
Administering Agency _____ Estimated Total _____
Contract Completion Date _____ Payment to Contractor \$ _____

| CONTRACT ITEM NO | DESCRIPTION OF WORK PERFORMED AND MATERIALS PROVIDED | FOR CALTRANS USE ONLY | NAME OF DB OR WBE | FOR CALTRANS USE ONLY | CONTRACT PAYMENTS | | COMMENTS |
|---------------------|--|-----------------------------|-------------------|-----------------------------|-------------------|-----|----------|
| | | | | | DB | WBE | |
| | | | | | \$ | \$ | |

If actual DB/WBE utilization (or item of work) was different than that approved at time of award, explain why.

Use reverse side if additional space is required.

| | | |
|--------|----|----|
| Totals | \$ | \$ |
| | % | % |
| Total | % | % |

Approved DB/WBE Information
at time of contract award (if none indicate 0)

DB _____ %
WBE _____ %
Total _____ %

To the best of my information and belief, the above information
is complete and correct.

I certify that the above information is complete and correct.

Exhibit 19-D

Contractor Representative

Title

Phone Number

Date

Signature - Resident Engineer

Exhibit 19-E

Materials Certificate
CITY/COUNTY LETTERHEAD
(Sample)

Date: _____
Federal-Aid Project No.: _____
Caltrans File Category 61: _____
Job Stamp: _____

Subject: Materials Certification

This is to certify that:

The results of the tests on acceptance samples indicate that the materials incorporated in the construction work and the construction operations controlled by sampling and testing were in conformity with the approved plans and specifications.

☐ Exceptions to the plans and specifications are explained on the back of this memorandum (or on attached sheet).

☐ No exceptions to the plans and specifications were found.

Signature of Local Agency Engineer in responsible charge of project and title

Distribution: (1) Original Project Files (2) Include copy on Report of Expenditures to DLAE

Exhibit 19-F

SAMPLE COVER LETTER

Date_____
Type of Funding_____
Dist.- Co-Rte._____
State Contract No._____
Fed. Project No.

Chief, Office of Structures Design
Caltrans
P. O. Box 942874
Sacramento, CA 94274-0001

Attention: _____ Local Assistance Engineer

Dear: _____

Submitted herewith is the REPORT OF COMPLETION OF STRUCTURES ON LOCAL STREETS AND
ROADS for the structures listed below:

Bridge Name
(future intersected)_____
Road Name
(facility carries)_____
State Bridge No._____
Contractor_____
Bridge Resident Engineer

Distribution: (1) Original Project Files (2) Include copy on Report of Expenditures to DLAE

Exhibit 19-F continued

REPORT OF COMPLETION OF STRUCTURES
ON LOCAL STREETS AND ROADS

- A. Description of Bridge Work
- B. Contract Chronology
Structure Work Completed_____
- C. Final Photograph
Attach one photograph of completed structure, side view.
- D. Site Map
Include an 8 1/2 X 11" reproduction of the work location site map.
- E. Attachments
 - 1. As Built Plans.
 - 2. Stream Flow record (high water during construction).
 - 3. Shop plan microfilms, pre-stress, structural steel, pumping plants, movable bridges.

Exhibit 19-G

CHECKLIST OF MANDATORY "REPORT OF EXPENDITURES" DOCUMENTS

- () Final Invoice
- () Final Detail Estimate
- () Change Order Summary
- () Statement of the existence or absence of liquidated damages and/or contractor's claims
- () Date of completion
- () Date of acceptance
- () Final Report, Utilization of Disadvantaged Business Enterprise(DBE) and Woman-Owned Business Enterprises (WBE), modified Form HC-43 (See Exhibit 19-D)
- () Materials Certificate" (Exhibit 19-E)
- () *Report of Completion of Structure (two copies) (*Shall include one set of "As Built" Plans*)
- () Final Inspection of Federal-aid Project Form FIF 6/95)

Single submittal of all these documents would facilitate timely project closure.

*Additional documents required on bridge/major structural project or projects which meet specified conditions (described under Reports at Completion of Contract).

Distribution: (1) Original Project Files

20. Construction Engineering Review by the State

References:

23 CFR 640.113
LPM Section II-20

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

The construction engineering of "Locally Administered" projects will be reviewed as outlined in the Process Review LPP. When structure (bridge) work is involved, the process review team shall include a representative from Caltrans Office of Structures, Construction.

The Administering Agency shall notify the DLAE of final completion and acceptance of the project by submitting the Final Inspection of Federal-Aid Project (Form 1446C). The DLAE will verify the project by visiting the project limits and checking to see if the projects was constructed according to the scope described in the project authorization. Project verification shall be documented by signing the Final Inspection of Federal-Aid Project document. Upon verification the DLAE will submit the Final Inspection of Federal -Aid Project document and the report of Expenditures to the Accounting Service Center, attention: Local Programs Accounting.

21. Traffic Safety in Highway and Street Work Zones

References:

23 CFR 630 subpart J
LPM Section II-21

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

The purpose of this section is to provide guidance and to establish procedures to ensure that adequate consideration is given to motorists, pedestrians and construction workers on all Federal-aid construction projects.

Each Local Agency shall develop and implement procedures consistent with the requirements of this section that will assure the safety of motorists, pedestrians and construction workers on Federal-aid highway construction projects. The procedures shall be consistent with the provisions of the State Traffic Manual. Local Agencies are encouraged to implement these procedures for non-Federal-aid projects and maintenance operations as well.

The Local Agency's procedures shall include, but not be limited to the following:

- Traffic Control Plan (TCP)
 - 1) A traffic control plan is a plan for handling traffic through a specific highway or street work zone or project. TCP's may range in scope from a very detailed plan designed solely for a specific project, to a reference to standard plans, the State Traffic Manual or a manual such as the "Work Area Traffic Control Handbook" published by Building News, Inc., in Los Angeles. The degree of detail in the TCP will depend on the project complexity and traffic interference with construction activity.
 - 2) Traffic control plans shall be developed for all Federally aided projects and included in the plans, specifications and estimates (PS&E's).
 - 3) The scope of the TCP should be determined during the planning and design phases of a project.
 - 4) Provisions may be made to permit contractors to develop their own TCP's and use them if the Local Agency find that these plans are as good or better than those provided in the PS&E.

- Responsible Person

The Local Agency shall designate a qualified person at the project level who will have the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract are effectively administered. While the project or resident engineer may have this responsibility, on large complex projects another person should be assigned at the project level to handle traffic control on a full-time basis. The person's name should be included in the "Project Advisory Letter" (see Section 2-04) if the resident engineer is not given this responsibility.

- Training

All persons responsible for the development, design, implementation and inspection of traffic control shall be adequately trained.

- Process Review and Evaluation

A Process review team consisting of appropriate Caltrans and FHWA personnel will review randomly selected Federal-aid projects throughout the State for the purpose of assessing the effectiveness of its procedures. The results of this review will be forwarded to the FHWA.

- Accident Analysis

Local Agencies should analyze construction and maintenance work site accidents for the purpose of correcting deficiencies which are found to exist on individual projects and to improve the content of future traffic control plans.

- Pay Items

The method of payment for traffic control items should be described in the project specifications.